

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRIS EIFEALDT AND SANDRA K.  
EIFEALDT,

Appellants,

vs.

JEAN HANNA CLARK  
REHABILITATION CENTER; STATE  
INDUSTRIAL INSURANCE SYSTEM  
(SIIS); AND A.H. ROBINS COMPANY,  
INC., A VIRGINIA CORPORATION,  
D/B/A QUINTON INSTRUMENTS,

Respondents,

A.H. ROBINS COMPANY, INC., A  
VIRGINIA CORPORATION, D/B/A  
QUINTON INSTRUMENTS,

Cross-Appellant,

vs.

CHRIS EIFEALDT; SANDRA K.  
EIFEALDT; JEAN HANNA CLARK  
REHABILITATION CENTER; AND  
STATE INDUSTRIAL INSURANCE  
SYSTEM (SIIS),

Cross-  
Respondents.

A.H. ROBINS COMPANY, INC., A  
VIRGINIA CORPORATION, D/B/A  
QUINTON INSTRUMENTS,

Appellant,

vs.

CHRIS EIFEALDT AND SANDRA K.  
EIFEALDT,

Respondents.

No. 34547

**FILED**

FEB 13 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
DEPUTY CLERK

No. 35052

ORDER DISMISSING APPEAL  
IN DOCKET NO. 35052

On June 21, 2002, A.H. Robins Company, Inc. ("A.H. Robins") filed a "Notice in Lieu of Opening Brief in Case 35052." A.H. Robins stated in the notice that "the only issue which appears exclusively in Case

35052 has already been resolved by this Court,” and further that “there is no need to proceed with this issue.” Accordingly, on September 30, 2002, this court entered an order directing A.H. Robins to show cause why the appeal in Docket No. 35052 should not be dismissed.

On October 28, 2002, A.H. Robins filed a response to our September 30, 2002, order. The response provides in pertinent part, “The appeal in Docket No. 35052 may be dismissed.” Accordingly, we dismiss the appeal in Docket No. 35052.

On October 28, 2002, A.H. Robins also filed a motion to correct the caption in Docket No. 34547. In support of the motion, A.H. Robins cites to this court’s May 30, 2002, and September 30, 2002, orders wherein this court noted that Jean Hanna Clark Rehabilitation Center (“JHCRC”) and State Industrial Insurance System (“SIIS”) are not respondents to A.H. Robins’ cross-appeal. A.H. Robins represents that JHCRC and SIIS should be designated as cross-respondents to its cross-appeal because two of the district court orders it is appealing from affect the rights and liabilities of JHCRC and SIIS. JHCRC and SIIS do not oppose the motion.

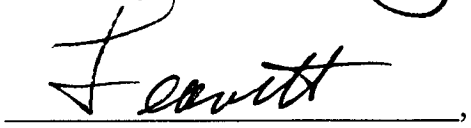
We note that this court did not designate JHCRC and SIIS as cross-respondents to A.H. Robins’ cross-appeal because A.H. Robins did not indicate that JHCRC and SIIS were parties to its cross-appeal in its case appeal statement or docketing statement. See NRAP 3(a)(1) (the notice of appeal shall identify the names of all parties to the appeal); and NRAP 14(c) (the court may impose sanctions on counsel if the information provided in the docketing statement is incomplete or inaccurate). We also note that A.H. Robbins did not bring this matter to this court’s attention until more than 3 years after its cross-appeal was docketed in this court. We caution A.H. Robins that this court expects that this appeal shall

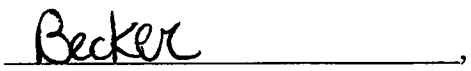
hereafter be prosecuted with the requisite level of competence and diligence. See SCR 151 and 153.

Nevertheless, because this court noted in its September 30, 2002, order that the issues raised in A.H. Robins' combined opening brief on cross-appeal and answering brief on appeal may affect the substantive rights of JHCRC and SIIS, we conclude that the caption of Docket No. 34547 should be amended to reflect that JHCRC and SIIS are cross-respondents to A.H. Robins' cross-appeal. Accordingly, we grant the motion to amend the caption. The clerk of this court shall modify the caption in Docket No. 34547 to be consistent with the caption of Docket No. 34547 on this order. We note that on September 30, 2002, this court filed JHCRC and SIIS' answering brief to A.H. Robins' cross-appeal and concluded that the briefing of Docket No. 34547 was completed. Thus, this order does not affect briefing and the briefing of Docket No. 34547 remains completed.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Becker

cc: Hon. Jennifer Togliatti, District Judge  
Christensen Law Offices  
Mayor, Horner, Kling, Stryker & Burk, Ltd.  
Beckley, Singleton, Chtd./Las Vegas  
Clark County Clerk