

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLLAND P. WEDDELL,
Appellant,

vs.

MICHAEL STEWART, AN
INDIVIDUAL, AND AS TRUSTEE OF
THE MICHAEL B. STEWART TRUST;
EMPIRE ENERGY, LLC; EMPIRE
GROUP, LLC; EMPIRE FOODS, LLC;
EMPIRE FARMS, LLC; ORIENT
FARMS, LLC; WHITE PAPER, LLC;
EMPIRE GEOTHERMAL POWER, LLC;
ENERGY PARK, LLC; AMOR II
CORPORATION, M.B.S., INC.; TAHOE
ROSE, LLC; CLEARWATER RIVER
PROPERTIES, LLC; HONALO KAI,
LLC; AND SIERRA ROSE
INVESTMENT CORPORATION,
Respondents.

No. 55981

FILED

NOV 12 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

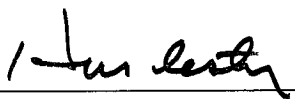
ORDER DISMISSING APPEAL AND
REFERRING COUNSEL TO STATE BAR


This is an appeal from a post-judgment order awarding attorney fees. First Judicial District Court, Carson City; James Todd Russell, Judge.

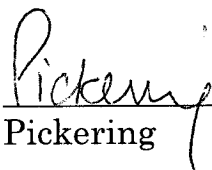
After this appeal was docketed, this court issued a notice on May 13, 2010, giving appellant ten days to pay the supreme court filing fee and warning appellant that failure to pay the fee could result in this appeal's dismissal. Because appellant did not pay the fee as directed, this court entered an order on September 16, 2010, instructing appellant to pay the supreme court filing fee within ten days and cautioning appellant's counsel, Day R. Williams, that failure to remit the fee within that time frame would result in a referral to the Nevada State Bar. To date, appellant has failed to pay the fee required by NRS 2.250 or otherwise respond to this court's directives. Accordingly, we dismiss this appeal and refer Mr. Williams to the State Bar of Nevada for investigation

pursuant to SCR 105.¹ Bar counsel shall, within 90 days of the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings.

It is so ORDERED.²


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. James Todd Russell, District Judge
Day R. Williams, Attorney at Law
Bowen, Hall, Ohlson & Osborne
Darby Law Practice, Ltd.
Robison Belaustegui Sharp & Low
Rob W. Bare, Bar Counsel
Carson City Clerk

¹The clerk of this court shall provide bar counsel with copies of this court's May 13, 2010, notice, and the September 16, 2010, order.

²Although appellant filed a notice in this court on May 10, 2010, indicating that he wished to withdraw this appeal because he filed an amended notice of appeal in another matter, Weddell v. H2O, Inc., Docket No. 55200, and therefore he did "not need a second appellate case number," no amended notice of appeal was filed in Docket No. 55200. Regardless, the attorney fees order being challenged in this appeal is ostensibly independently appealable under NRAP 3A(b)(8), and thus the notice of appeal regarding the attorney fees order was properly docketed as a separate appeal. See NRAP 4(a)(7) (providing that no additional fees are required if an amended notice of appeal is filed "in order to comply with the provisions of [NRAP 4].") In all other cases, the filing fee is due when the notice of appeal is filed in the district court. NRAP 3(e). At any rate, in light of this order, we deny as moot appellant's request to withdraw this appeal.