

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE TOM LEMASTER,
Appellant,
vs.
JEANNA RAE PASSER,
Respondent.

No. 56501

FILED

NOV 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *D. Malone*
DEPUTY CLERK

ORDER DISMISSING APPEAL AND DENYING RESPONDENT'S
REQUEST FOR ATTORNEY FEES AND COSTS

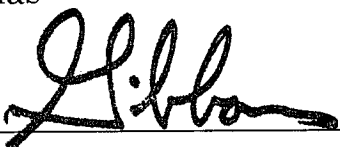
This is an appeal from a post-divorce decree district court order modifying child support. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.


Respondent has filed a motion to dismiss this appeal with prejudice and for attorney fees and costs, based on appellant's repeated failure to file and serve an opening brief. Appellant filed an untimely response to the motion, joining in respondent's request for dismissal, but opposing the request for attorney fees and costs. As appellant has joined in the request for dismissal, we grant that motion and dismiss this appeal. With regard to respondent's request for attorney fees as sanctions, having considered the motion and opposition, we conclude that sanctions are not warranted and thus deny this request. Finally, with regard to respondent's request for costs, NRAP 39(c)(3) requires that any request for costs be made after the entry of judgment. Accordingly, we deny this

request without prejudice to respondent's ability to file a proper request for costs after this appeal is formally dismissed.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons



Parraguirre

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Carolyn Worrell, Settlement Judge
Grant Morris Dodds
Black & LoBello
Eighth District Court Clerk