

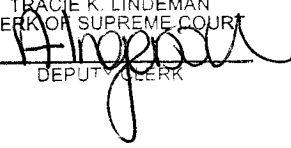
IN THE SUPREME COURT OF THE STATE OF NEVADA

JUANITA P. TERRY AND JAMES A.
TERRY, INDIVIDUALLY AND AS
HUSBAND AND WIFE,
Appellants,
vs.
THE TJX COMPANIES, INC. D/B/A TJ
MAXX,
Respondent.

No. 58195

FILED

APR 08 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order dismissing an action for failure to file a timely motion for substitution of a deceased party. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

On February 22, 2013, this court issued an order noting that the district court's decision did not seem to be a final, appealable judgment because appellant James A. Terry's loss of consortium claim appeared to remain pending in the district court. NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). We therefore directed appellants to show cause why the appeal should not be dismissed for lack of jurisdiction. The February 22 order also directed appellants to substitute a representative for appellant Juanita P. Terry, who is deceased. The order warned appellants that failure to comply may result in dismissal of this appeal. To date, appellants have not complied with or otherwise

responded to this court's order. Thus, as a result of appellants' failure to demonstrate that we have jurisdiction and to substitute a party for Juanita P. Terry, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Doug Smith, District Judge
Carolyn Worrell, Settlement Judge
Aaron & Paternoster, Ltd.
Olson, Cannon, Gormley, Angulo & Stoberski
Eighth District Court Clerk