

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLACKJACK FIREWORKS, INC. AND
LOU ETTA MCKOY,

Appellants,

vs.

SANTILLO TROY A/K/A SAM TROY AND
JOAN TROY, HUSBAND AND WIFE,

Respondents.

No. 35362

FILED

DEC 27 1999

BY *[Signature]*
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of the Eighth Judicial District Court entered in Case No. A288505 on April 15, 1993, and from an order ruling on appellants' motion to alter or amend the judgment entered on May 24, 1993. Appellants filed the notice of appeal with the clerk of the district court on June 11, 1993. Thereafter, appellants failed to take necessary steps to cause the record on appeal to be transmitted to the clerk of this court. See NRAP 11(a)¹; see also, City of Las Vegas v. Int'l Ass'n Firefighters, 110 Nev. 449, 874 P.2d 735 (1994) (the Nevada Rules of Appellate Procedure place the burden of ensuring timely transmission of the record on appeal on the appellant). Consequently, this appeal was never docketed with this court.

The district court clerk recently made this court aware of the existence of this appeal and transmitted to the clerk of this court an abbreviated record. Cause appearing, the clerk of this court shall docket the appeal and file the

¹ The Nevada Rules of Appellate Procedure in effect prior to the September 1, 1996, revisions and amendments govern this appeal.

abbreviated record. Nevertheless, appellants having failed to take any steps in furtherance of the prosecution of this appeal, we hereby dismiss this appeal as abandoned. See NRAP 3(a) (while failure to take any steps other than the filing of a notice of appeal does not affect the appeal's validity, it may be grounds for dismissal of the appeal).²

It is so ORDERED.

Maupin, J.
Shawing, J.
Becker, J.

cc: Hon. Mark R. Denton, District Judge
Jones, Jones, Close & Brown, Chartered
Frank J. Cremen
Clark County Clerk

² The clerk of this court shall return to appellants' counsel the filing fee transmitted with the abbreviated record.