

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID D. BINGHAM DBA BINGHAM
CONSTRUCTION COMPANY,

Appellant,

vs.

NEVADA OVERHEAD DOOR, INC., A
NEVADA CORPORATION,

Respondent.

No. 35382

FILED

DEC 28 1999

[Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of the Eighth Judicial District Court entered in Case No. A288282 on March 3, 1993. Appellant filed the notice of appeal with the clerk of the district court on March 26, 1993. Thereafter, appellant 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.


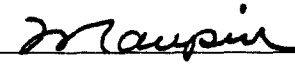

The district court clerk recently made this court aware of the existence of this appeal and transmitted to the clerk of this court an abbreviated record. Cause appearing, the clerk of this court shall docket the appeal and file the abbreviated record. Nevertheless, appellant having failed to take any steps in furtherance of the prosecution of this

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

99-13253

appeal, we hereby dismiss this appeal as abandoned.² 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).³

It is so ORDERED.


_____, J.

_____, J.

_____, J.

cc: Hon. Valorie J. Vega, District Judge
Cuthbert E.A. Mack
Morton & Associates
Clark County Clerk

² The district court docket entries included in the abbreviated record indicates that a satisfaction of judgment was filed on January 31, 1994, in the district court. The filing of the satisfaction of judgment did not, by itself, render the March 15, 1996, notice of appeal invalid.

³ The clerk of this court shall return to appellant's counsel the filing fee transmitted with the abbreviated record.