

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT CATALANO, JR., AND JOHN  
KELLY,

Appellants,

vs.

ODELL LEE CLARK,

Respondent.

No. 35416

**FILED**

DEC 30 1999

CHRISTINA BLOOM  
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. A328000 on March 1, 1994. Appellants filed the notice of appeal with the clerk of the district court on March 28, 1994. 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)<sup>1</sup>; 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, 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

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

a notice of appeal does not affect the appeal's validity, it  
may be grounds for dismissal of the appeal).

It is so ORDERED.

Maupin, J.

Shawing, J.

Bedner, J.

cc: Hon. Gene Porter, District Judge  
David Lee Phillips  
Melvin S. Lipman  
Clark County Clerk