

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: THE ESTATE OF  
OPAL J. SPENCER

No. 59692

VIVIAN MAXINE SPENCER  
DAVIDSON; AND WILLIAM STANLEY  
SPENCER,

Appellants,

vs.

JOSEPH N. BROOKS,

Respondent.

**FILED**

SEP 07 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. [Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

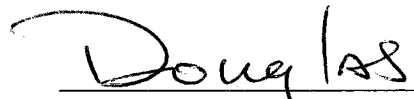
Previously, the settlement judge filed a Settlement Program Status Report informing this court that appellants failed to attend a scheduled mediation session. The settlement judge also noted that counsel for appellants indicated that he informed appellants of the scheduled session; and that counsel for appellants, counsel for respondent and respondent attended the scheduled session.<sup>1</sup> The settlement judge has now filed a report indicating that although the settlement process was continued so that counsel could “obtain a response [from appellants] to settlement offers,” counsel “stated [that] he left many telephone messages and sent registered letters to [appellants] but received no response.” Because of their failure to participate in the settlement process, the settlement judge “recommends that the appropriate sanction . . . is the dismissal of this appeal.”

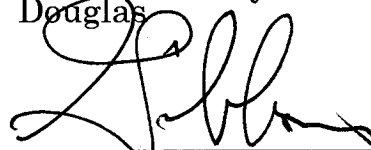
<sup>1</sup>Appellants were not granted, nor did they seek, permission to be excused from attending the session. See NRAP 16(e)(1).

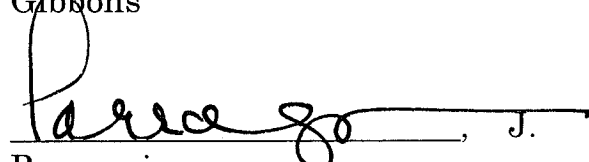
We also note that when appellant failed to file the case appeal statement and docketing statement when due, we entered an order directing appellant to file those required documents within ten days. See NRAP 3(f)(1); NRAP 14(b). Within the case appeal statement filed in response to that order, counsel indicates that he “has had problems communicating with Appellants both by telephone and United States Postal Service for approximately a few months.”

It appears that appellants have abandoned this appeal. Further, we note that a party’s failure to attend a scheduled mediation session pursuant to this court’s settlement program is cause for sanctions, including dismissal of the appeal. See NRAP 16(g). Accordingly, we dismiss this appeal.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge  
Carolyn Worrell, Settlement Judge  
Bruce L. Gale  
Anthony J. Montisano  
Santacroce Law Offices, Ltd.  
Eighth District Court Clerk