

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRYSTINA BONVOULOIR,
Appellant,
vs.
SANDS EXPO & CONVENTION
CENTER; AND MILLENIUM
STAFFING & MANAGEMENT
SERVICES, INC.,
Respondents.

SANDS EXPO & CONVENTION
CENTER, INC.; AND MILLENIUM
STAFFING & MANAGEMENT
SERVICES, INC.,
Appellants,
vs.
KRYSTINA BONVOULOIR,
Respondent.

No. 66211

FILED

SEP 14 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

No. 67091

ORDER DISMISSING APPEAL

These are consolidated appeals from a district court summary judgment in a personal injury action (Docket No. 66211), and an appeal from a post-judgment order denying motion for attorney fees and costs (Docket No. 67091). Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

On February 18, 2015, this court entered an order consolidating these appeals and setting a briefing schedule that directed appellant in Docket No. 66211 (Bonvouloir) to file the opening brief and appendix by May 19, 2015. Bonvouloir's counsel, attorney Beau Sterling moved for, and was granted, extensions of time to file the opening brief

and appendix on May 19, June 18, and July 20, 2015. The court's July 24, 2015, order granting a third extension of time directed Sterling to file the opening brief and appendix on or before August 3, 2015. On August 3, 2015, Sterling filed a motion for a fourth extension of time. In his motion, Sterling represented that the opening brief and appendix would be ready for filing on August 4, 2015. By August 7, 2015, Sterling had not submitted the opening brief and appendix for filing, nor had he otherwise communicated with this court. Accordingly, on August 7, 2015, this court issued an order directing Sterling to file the opening brief and appendix by August 10, 2015. The order stated that the court is not inclined to grant any further extensions of time, and cautioned Sterling that failure to comply may result in the imposition of sanctions, including dismissal of the appeal. On August 10, 2015, Sterling filed a partial appendix, but no opening brief. On August 17, 2015, Sterling filed a motion for a fifth extension of time and submitted the opening brief and remainder of the appendix for filing.

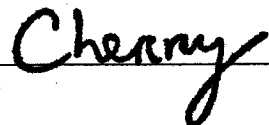
Respondents in Docket No. 66211 have filed a motion to dismiss the appeal in Docket No. 66211 based on Sterling's failure to abide by this court's rules and orders. Sterling opposes the motion, contending that he has shown good cause, in his untimely motion for a fifth extension of time, for this court to grant the motion and file the late-submitted brief and appendix. Respondents have filed a reply. Cause appearing, we grant respondents' motion. *See Huckabay Props., Inc. v. NC Auto Parts, LLC*, 130 Nev. Adv. Op. 23, 322 P.3d 429, 434-36 (2014) (addressing the failure to follow court rules in declining to reconsider an order dismissing consolidated appeals based on such failure). The appeal in Docket No. 66211 is hereby dismissed. The clerk of this court shall return, unfiled,

the opening brief and volume 4 of the appendix received in E-flex on August 17, 2015. Appellants in Docket No. 67091 shall have 45 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). Failure to comply may result in the imposition of sanctions.

It is so ORDERED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Michelle Leavitt, District Judge
Janet Trost, Settlement Judge
Sterling Law, LLC
Nettles Law Firm
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Messner Reeves LLP
Eighth District Court Clerk