

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELLE FRANTZ, ANTONIO
ACCORNERO, INDIVIDUALLY, PLASTIC
GRAPHICS, INC., A CALIFORNIA
CORPORATION, WESTERN BADGE &
TROPHY CO., A CALIFORNIA
CORPORATION, WESLEY RU,
INDIVIDUALLY AND AS AN OFFICER OF
WESTERN BADGE & TROPHY CO., AND
ACTION GRAPHICS, A NEVADA
PARTNERSHIP CONSISTING OF
MICHELLE FRANTZ, ANTONIO
ACCORNERO, AND WESLEY RU,

Appellants,

vs.

CHARLES R. JOHNSON, D/B/A
PLASTIC PRINT-A-CARD CO., D/B/A
JOHNSON BUSINESS MACHINES,

Respondent.

No. 36277

FILED

JUN 14 2000

JANETTE HILTON
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a partial judgment of the Eighth Judicial District Court entered in Case No. A289406 on March 8, 1996.¹ Appellants filed the notice of appeal with the clerk of the district court on April 8, 1996. 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)²; 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.³




¹ The partial judgment was entitled "Preliminary Findings of Fact, Partial Judgment, in Favor of Plaintiff, and Order for Hearing on Punitive Damages, Attorney Fees and Costs of Court."

² The Nevada Rules of Appellate Procedure in effect prior to the September 1, 1996, revisions and amendments govern this appeal.

³ On November 18, 1996, the appellants filed a separate notice of appeal from the "Judgment in Favor of Plaintiff" and

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

It is so ORDERED.


_____, J.

_____, J.

_____, J.

cc: Hon. James A. Brennan, Senior District Judge
Thorndal, Armstrong, Delk, Balkenbush & Eisinger
Bill C. Hammer, Ltd.
Clark County Clerk

the "Findings of Fact, Conclusions of Law and Judgment" entered in the proceedings below on October 18, 1996. That appeal was docketed in this court on November 25, 1996, as Docket No. 29588 and was disposed of by an opinion entered on May 4, 2000. See *Frantz v. Johnson*, 116 Nev. ____, __ P.2d ____ (Nev. Adv. Opn. No. 53, May 4, 2000).