

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK FERGUSON, AND PETER B.,  
INC., A NEVADA CORPORATION,  
Appellants,

No. 36386

vs.

MARY ANN FERGUSON, JAMES  
GINELLA, THELMA A. FERGUSON,  
JACK ANTHONY FERGUSON,  
WESLEY ADAMS, JAMES LUDWIG  
A/K/A JAMES LEWIS, WESTERN  
STATES MANAGEMENT SERVICES,  
LTD., AND PROMAX, INC.,  
Respondents.

FILED

JUN 14 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On October 31, 2002, this court entered an order directing appellants to file either a stipulation or motion to dismiss this appeal or inform this court of the status of this appeal.<sup>1</sup> That order also directed appellants to show cause, within the same time period, why this appeal should not be dismissed pursuant to a "Bankruptcy Court Settlement and Order to Comply with Settlement Agreement."

On December 3, 2002, appellants filed a status report in response to the October 31, 2002, order. Before the status report was taken under consideration, however, appellants and respondents Mary Ann Ferguson, James Ginella, Thelma A. Ferguson, Jack Anthony Ferguson and Promax, Inc., (the Ferguson respondents) stipulated to dismiss this appeal as to the Ferguson respondents without prejudice to appellants' right to pursue an appeal that had already been dismissed by this court (Docket No. 34004).

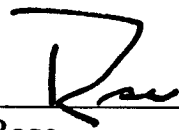
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<sup>1</sup>The October 31, 2002, order was entered pursuant to status reports filed by the settlement judge indicating that the parties had agreed to a settlement of this appeal.

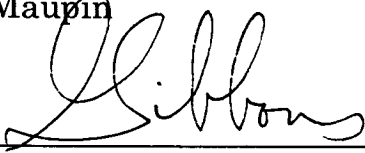
On March 18, 2003, this court entered an order disapproving the stipulation to dismiss appeal. That order directed appellants to either file a motion or stipulation to dismiss the Ferguson respondents or inform this court of the status of this appeal within 15 days. Our order further noted that appellants' December 3, 2002, status report addressed the status of this appeal only as it pertained to respondent Wesley Adams, and did not sufficiently address this court's concerns regarding the bankruptcy court's order. Accordingly, we again directed appellants to show cause why this appeal should not be dismissed pursuant to the "Bankruptcy Court Settlement and Order to Comply with Settlement Agreement." We cautioned appellants that failure to timely respond to the order could result in the dismissal of this appeal as abandoned.

On March 31, 2003, appellants and the Ferguson respondents filed a stipulation to dismiss this appeal as to the Ferguson respondents. Cause appearing, we approve the stipulation and dismiss this appeal as to the Ferguson respondents. To date, appellants have failed to show cause why this appeal should not be dismissed pursuant to the bankruptcy court's order. Accordingly, we also dismiss this appeal, as abandoned, as to all remaining respondents.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

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

cc: Hon. Peter I. Breen, District Judge  
Mirch & Mirch  
Newsom, Giffen & Marne  
Prezant & Mollath  
Robison Belaustegui Sharp & Low  
Simon & Berman  
Washoe District Court Clerk