

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE ESTATE OF HELEN F.
WAKEFIELD; FAITH JEANNETTE
MCKAY, INDIVIDUALLY AND AS
ADMINISTRATRIX OF THE ESTATE
OF HELEN F. WAKEFIELD,
Appellants,
vs.
LIFE CARE CENTER OF LAS VEGAS
AND LAWRENCE S. COPELAND, M.D.,
Respondents.

No. 37646

FILED

JUL 16 2002

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

ORDER DISMISSING APPEAL AND IMPOSING SANCTIONS

This is an appeal from a February 22, 2001 district court order that dismissed appellants' complaint in a medical malpractice lawsuit. Respondent Life Care Center of Las Vegas has filed a motion to dismiss this appeal. Respondent Copeland has filed a joinder in the motion.

When our preliminary review of the documents submitted to this court pursuant to NRAP 3(e), along with the docketing statement and motion to dismiss, revealed a potential jurisdictional defect, we issued an order to show cause. Our May 8, 2002 order gave appellants' counsel "thirty days from the date of [the] order within which to establish Linda Adair's standing to prosecute this appeal as a representative of the Estate of Helen F. Wakefield and/or the Estate of Faith Jeannette McKay." In addition, we ordered appellants' counsel to show cause why he should not

be sanctioned for his failure to provide full and accurate responses to docketing statement requests 12, 13, 14, 15, 22 and 23.¹

More than thirty days have since passed and we have received no response to our order to show cause from appellants' counsel. Given this failure to respond to our May 8, 2002 order, we dismiss this appeal.

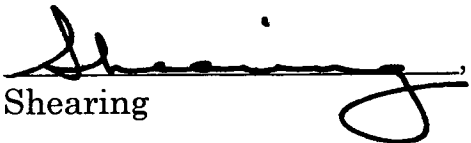
Turning to the issue of the inaccurate and incomplete docketing statement, our May 8, 2002 order directed appellants' counsel to demonstrate why he should not be sanctioned for failing to disclose, in response to request 12, that this appeal seeks reversal of Wharton v. City of Mesquite, 113 Nev. 796, 942 P.2d 115 (1997). In addition, our order directed appellants' counsel to demonstrate why he should not be sanctioned for his failure to attach a copy of the February 22, 2001 district court order to the docketing statement. Request 15 expressly directed counsel to attach a copy of the "judgment or order from which an appeal is taken;" in this case, the February 22, 2001 order of dismissal. Finally, our order directed appellants' counsel to demonstrate why he should not be sanctioned for failing, in response to request 23, to attach a copy of "the last-filed version of [the] complaint" to the docketing statement.

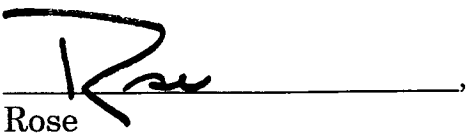
In the absence of a response to our May 8, 2002 order, we conclude that sanctions are warranted. Accordingly, within thirty days from the date of this order, attorney Gary S. Lipsman shall personally pay

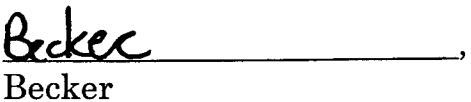
¹See NRAP 14(c); Moran v. Bonneville Square Assocs., 117 Nev. ___, 25 P.3d 898 (2001); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991).

to the Clark County Law Library the sum of two hundred and fifty dollars. In addition, Gary S. Lipsman shall provide the clerk of this court with proof of payment no later than ten calendar days after he remits payment to the Clark County Law Library.

It is so ORDERED.²

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Jeffrey D. Sobel, District Judge
Phillip Aurbach, Settlement Judge
Law Offices of Gary S. Lipsman
Law Office of V. Andrew Cass
Mandelbaum Gentile & D'Olio
Clark County Clerk
Clark County Law Library

²We deny as moot respondent Life Care Center of Las Vegas's motion to dismiss, as well as respondent Copeland's joinder therein.