

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILL HOLMES AND DAWN HOLMES,
INDIVIDUALLY,

No. 38064

Appellants,

vs.

GSD INTERNATIONAL
ENTERPRISES, INC.,

Respondent.

FILED

SEP 11 2001

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellants' motion to dismiss for failure to name an indispensable party in a breach of contract action. Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, it appeared that the order appealed from was not substantively appealable.¹ No statute or court rule provides for an appeal from an order denying a motion to dismiss.² Accordingly, on July 26, 2001, we ordered appellants to show cause within thirty days why this appeal should not be dismissed for lack of jurisdiction.

Rather than filing a response addressing the jurisdictional issue, appellants' counsel filed a notice that appellants are withdrawing their appeal. In the notice, appellants' counsel did not mention the obligation to respond to our directive. Thus, we admonish appellants' counsel for disregarding our directive, and we caution counsel that future conduct in disregard of this court's orders may result in the imposition of sanctions.


¹See NRAP 3A(b).

²See NRAP 3A(b) (designating orders and judgments from which an appeal may be taken); see also First Interstate Bank v. H.C.T., Inc., 108 Nev. 242, 250, 828 P.2d 405, 410 (1992).

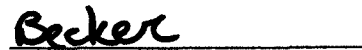
01-15337

Nevertheless, we construe appellants' notice as a motion for voluntary dismissal of this appeal. We grant the motion, and dismiss this appeal.³ The parties shall bear their own costs and attorney fees.

It is so ORDERED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Callister & Reynolds
Law Office of V. Andrew Cass
Clark County Clerk

³See NRAP 42(b). In light of this order, appellants have no further obligation to respond to our July 26, 2001 show cause order.