

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY TAM,
Appellant,
vs.
STATE OF NEVADA EX REL. NEVADA
GAMING COMMISSION,
Respondent.

No. 38102

FILED

JAN 23 2004

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

ORDER DISMISSING APPEAL

This appeal was docketed in this court on June 29, 2001. On April 18, 2002, this court entered an order reinstating briefing and the preparation of transcripts, as the parties were unable to agree to a settlement of this appeal. That order directed appellant to comply with NRAP 9(a) within 15 days and to file and serve the opening brief and appendix within 120 days.

Because appellant failed to comply with NRAP 9(a), on May 23, 2002, this court entered an order directing appellant to file a transcript request form or a certificate indicating that no transcripts are being requested within 10 days. Appellant again failed to comply with this court's order, and on August 7, 2002, this court entered an order directing appellant to comply with NRAP 9(a) within 10 days or show cause why sanctions should not be imposed.


Because appellant had not complied with NRAP 9(a) or responded to this court's orders, on September 13, 2002, this court entered an order that imposed a \$500.00 sanction upon appellant's attorney, Benson Lee. That order directed Mr. Lee to pay the \$500.00 sanction to the Supreme Court Law Library and to file with this court, within 15 days, a certificate indicating that such payment had been made. Additionally,


that order again directed appellant to comply with NRAP 9(a) within 10 days. Finally, as appellant had failed to file the opening brief and appendix by the August 16, 2002, due date, the order directed appellant to file these documents within 20 days.

On December 10, 2002, Mr. Lee untimely paid the \$500.00 sanction to the Supreme Court Law Library. We note, however, that Mr. Lee failed to file a certificate with this court indicating that such payment had been made.

To date, appellant has failed to comply with NRAP 9(a), failed to file and serve the opening brief and appendix, failed to file a certificate indicating that Mr. Lee's personal sanction has been paid, and failed to respond to our previous orders or otherwise communicate with this court. Accordingly, we dismiss this appeal as abandoned. See NRAP 9(a)(3).

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Michael L. Douglas, District Judge
Law Office of Benson Lee, Esq.
Attorney General Brian Sandoval/Gaming Division/Las Vegas
Clark County Clerk