

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD K. SMITH,
Appellant,
vs.
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
Respondent.

No. 39105

FILED

FEB 04 2002

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

ORDER DISMISSING APPEAL

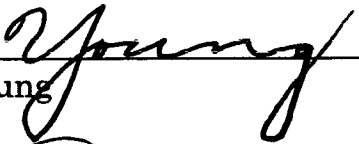
This is an appeal from a Judgment by Default entered in Eighth Judicial District Court Case No. A314190 on April 21, 1994. Appellant filed the notice of appeal with the clerk of the district court on April 11, 1995. Thereafter, appellant failed to take any additional steps to cause the record on appeal to be transmitted to and docketed in this court. See NRAP 11(a)¹ and 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); see also NRAP 12(a) (upon receipt of the record on appeal and filing fee, the clerk of the supreme court shall docket the appeal).

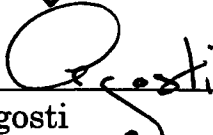
The district court clerk recently made this court aware of the existence of this appeal and transmitted an abbreviated record on appeal to this court. The record was received and filed by the clerk of this court on January 23, 2002. Appellant having failed to take any steps in furtherance of the prosecution of this appeal, we hereby dismiss this

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

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.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Joseph T. Bonaventure, District Judge
Edward K. Smith
Edwards, Hale, Sturman, Atkin & Cushing, Ltd.
Clark County Clerk