

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH ROJAS, II, M.D.,
Appellant,
vs.
ANTOINETTE ROSE ALDERMAN AND
RICHARD E. ALDERMAN,
Respondents.

No. 39745

FILED

OCT 17 2002

ORDER DISMISSING APPEAL

JENNIFER M. BLOOM
CLERK OF SUPREME COURT
BY: *J. Rehade*
DEPUTY CLERK

This is an appeal from a final judgment in a malpractice case, and is the second appeal docketed in this court by the same party concerning the same judgment. A review of the docket entries for the two appeals, together with the documentation before us, demonstrates that No. 39745 is duplicative of No. 38084. Specifically, the amended notice of appeal docketed as No. 39745 was intended to remedy a jurisdictional defect in No. 38084, but was not received by this court until after an order dismissing the appeal in No. 38084 had already been entered.

Docket No. 38084, however, has now been reinstated and is fully briefed. We therefore conclude that No. 39745 should be removed from the settlement program and dismissed as duplicative. Accordingly, we hereby

ORDER this appeal DISMISSED.

Maupin, C.J.
Maupin

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Alan R. Johns, Settlement Judge
John H. Cotton & Associates, Ltd.
Charles E. Kelly
Manos & Michaelides
Clark County Clerk