

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE C. STARK, PLAN  
ADMINISTRATOR, BRUCE C. STARK  
ROLLOVER IRA,

Appellant,

vs.

DAVID J. WINTERTON, AN  
INDIVIDUAL, AND DAVID J.  
WINTERTON & ASSOCIATES, LTD., A  
NEVADA CORPORATION,

Respondents.

No. 40158

JANETTE M. BIGO  
CLERK OF THE COURT  
BY *J. Richards*  
CH. DEPUTY CLERK

ORDER DISMISSING APPEAL

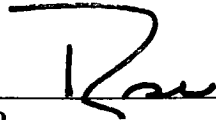
On September 5, 2002, the clerk of this court issued a notice to appellant to pay the filing fee within 10 days. See NRS2.250(1)(a) and NRAP 3(f). On, September 18, 2002, appellant filed a notice of dismissal of appeal. Because appellant still had not paid the filing fee, on October 11, 2002, this court entered an order directing appellant to pay the filing fee within 10 days. That order explained that an appeal cannot be dismissed until the parties first “pay whatever fees are due.” See NRAP 42(b).


To date, appellant has failed to pay the filing fee or otherwise respond to our October 11, 2002, order. Appellant shall pay the \$200 filing fee within 10 days from the date of this order. We caution appellant that failure to pay the filing fee in a timely manner will result in the imposition of sanctions.

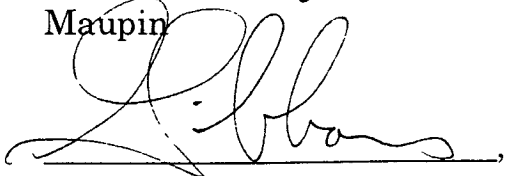
As noted above, under NRAP 42(b), an appeal shall not be dismissed until the parties first “pay whatever fees are due.” Nevertheless, in the interest of judicial efficiency, we do not wish to delay the dismissal of this appeal any longer. We elect to treat the notice of

dismissal as a motion for voluntary dismissal. NRAP 42(b). We grant the motion and dismiss this appeal.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Sally L. Loehrer, District Judge  
Lester H. Berkson, Settlement Judge  
Myers Chambers, LLC  
David J. Winterton & Associates, Ltd.  
Clark County Clerk