

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER WOLFE,
Appellant,
vs.
SMITH'S FOOD AND DRUG CENTERS,
INC., A CORPORATION DOING
BUSINESS IN THE STATE OF
NEVADA,
Respondent.

No. 41761

FILED

JUL 02 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL AS ABANDONED AND REFERRING
COUNSEL TO STATE BAR

On December 4, 2003, this court entered an order reinstating briefing as the parties were unable to agree to a settlement of this appeal. That order directed appellant to request transcripts in compliance with NRAP 9(a) within 15 days and to file the opening brief and appendix within 120 days.

Because appellant had not requested transcripts in compliance with NRAP 9(a), on February 11, 2004, this court entered an order directing appellant to file the necessary document within 10 days. That order cautioned appellant that failure to comply with the order could result in the imposition of sanctions.


Because appellant had still not complied with NRAP 9(a), on March 16, 2004, this court entered another order directing appellant to file the necessary document within 10 days. That order again cautioned appellant that failure to comply with that order could result in the imposition of sanctions.


To date, appellant has failed to request transcripts in compliance with NRAP 9(a) or otherwise respond to this court's orders

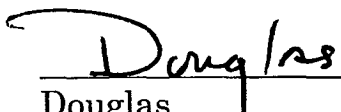
entered on December 4, 2003, February 11, 2004, and March 16, 2004. Appellant has now also failed to file the opening brief and appendix, which were due to be filed on or before April 2, 2004.

Accordingly, we order this appeal dismissed as abandoned. See NRAP 14(a)(3). Further, we refer appellant's counsel, attorney Randal R. Leonard, to the State Bar of Nevada for investigation pursuant to SCR 105. Bar counsel shall, within 90 days from the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings in the matter.

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Sally L. Loehrer, District Judge
Randal R. Leonard
Barker Brown Busby Chrisman & Thomas P.C.
Rob W. Bare, Bar Counsel
Clark County Clerk