

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLACK TIE INVESTMENT  
CORPORATION, A NEVADA  
CORPORATION,

Appellant,

vs.

CT NEVADA HOLDING COMPANY, A  
NEVADA LIMITED LIABILITY  
COMPANY, AS AN INDIVIDUAL  
ENTITY; CT NEVADA HOLDING  
COMPANY, A NEVADA LIMITED  
LIABILITY COMPANY, AS TRUSTEE  
OF THE LAS VEGAS TRUST NUMBER  
868528; AND THE LAS VEGAS TRUST  
NUMBER 868528,

Respondents.

No. 41955

**FILED**

OCT 19 2004

JANE TE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Ribaud*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting summary judgment. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

This appeal was docketed in this court on August 25, 2003. The parties participated in a settlement conference but were unable to agree to a settlement. This court reinstated the deadlines for requesting transcripts and filing briefs on April 22, 2004.

On June 28, 2004, appellant's counsel filed a motion to withdraw as counsel. Attorneys J. Stephen Peek and Elissa F. Cadish with the law firm of Hale Lane Peek Dennison & Howard represented that appellant had failed to respond to their attempts to reach appellant and that appellant had failed to substantially fulfill its obligations to them for

legal services. Counsel further represented that they had sent a letter to appellant warning that they would withdraw as counsel if appellant did not respond and that appellant had not responded to the letter nor had counsel been able to contact appellant by other means.


We granted the motion to withdraw on July 28, 2004. We gave appellant until August 27, 2004, to retain new counsel to represent appellant or to inform this court that appellant did not intend to retain new counsel. We also warned appellant that failure to obtain new counsel might result in the dismissal of this appeal as abandoned. See Sunde v. Contel of California, 112 Nev. 541, 915 P.2d 298 (1996) (holding that an entity must be represented by a licensed attorney in this court). On August 13, 2004, the copy of this court's July 28, 2004, order that was addressed to appellant was returned with no forwarding address.

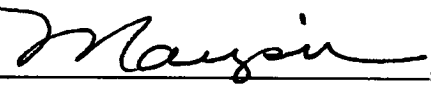
On August 30, 2004, respondents filed a motion to dismiss this appeal based on appellant's failure to file an opening brief or to comply with this court's order entered on July 28, 2004. See NRAP 31(c) (providing that respondent may move to dismiss an appeal if appellant fails to file opening brief or appendix with time provided by rule). To date, appellant has not responded to the motion or otherwise communicated with this court.

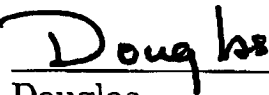
Based on former counsel's inability to communicate with appellant in writing or by other means, it appears that appellant has, at the very least, changed addresses without informing counsel. To date, appellant has not notified this court of any address change or otherwise corresponded with this court, nor has new counsel entered an appearance on behalf of appellant. Under the circumstances, we conclude that

appellant has abandoned this appeal. Accordingly, we grant respondents' motion and we

ORDER this appeal DISMISSED.

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

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

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Mark R. Denton, District Judge  
Black Tie Investment Corporation  
Harrison Kemp & Jones, LLP  
Clark County Clerk