

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELLY BREZINA,
Appellant,
vs.
RICHLAND HOLDINGS, INC., A
NEVADA CORPORATION,
Respondent.

No. 42129

FILED

OCT 07 2004

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

ORDER DISMISSING APPEAL AND
REFERRING MATTER TO STATE BAR OF NEVADA

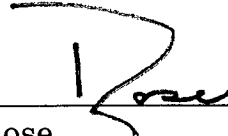
On September 30, 2003, appellant filed the notice of appeal in the district court. The notice of appeal was not accompanied by the \$250 Supreme Court filing fee. See NRAP 3(f). Accordingly, on October 3, 2003, this court issued a notice directing appellant to pay the fee. See NRAP 3(e) and (f); NRS 2.250(1)(a).

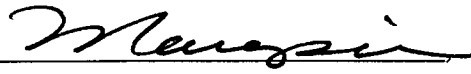
Appellant did not comply with this court's notice. On November 18, 2003, this court issued an order that, among other things, again directed appellant to pay the filing fee within 10 days. We cautioned appellant that failure to comply timely with our order could result in the imposition of sanctions, including dismissal of this appeal as abandoned.

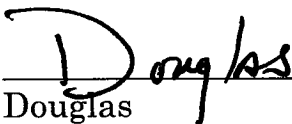
On December 1, 2003, the parties filed a stipulation to dismiss this appeal. On December 22, 2003, we entered an order noting that this court generally will not dismiss an appeal pursuant to the parties' agreement unless the parties first "pay whatever fees are due." NRAP 42(b). Accordingly, we deferred ruling on the stipulation to dismiss appeal, and we directed appellant, for the third time, to submit the \$250 filing fee to the clerk of this court within 10 days.

Nine months have passed since our last order and appellant has still not paid the filing fee. In the interest of judicial efficiency, and because we do not wish to delay the resolution of this appeal any longer, we approve the parties' December 1, 2003, stipulation and we dismiss this appeal. Appellant having failed to comply with this court's notice issued on October 3, 2003, or this court's orders entered November 18, 2003, and December 22, 2003, directing appellant to pay the filing fee, we refer this matter 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 this matter.

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Mark R. Denton, District Judge
Eugene Osko, Settlement Judge
Hilton English & Associates
Rosenfeld & Money LLP
Rob Bare, Bar Counsel
Clark County Clerk