

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNIVERSAL ELECTRIC, INC.,
Appellant,
vs.
OFFICE OF THE LABOR
COMMISSIONER, DEPARTMENT OF
BUSINESS AND INDUSTRY, STATE
OF NEVADA,
Respondent.

No. 42834

FILED

JUN 28 2004

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting summary judgment under NRS 353C.150. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Respondent has moved to dismiss this appeal as frivolous. Respondent asserts that appellant filed the notice of appeal solely to further delay payment of the underlying claim in the approximate amount of \$34,000, plus accruing interest. Respondent further maintains that it utilized the summary procedure under NRS 353C.150 because it had obtained information indicating that appellant was closing down its business. Appellant filed a response that does not oppose the motion to dismiss, but rather appellant attached a copy of its certificate of dissolution, filed with the Nevada Secretary of State less than one week before respondent's motion to dismiss.

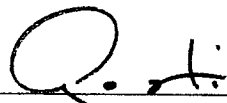
Respondent filed an earlier motion to dismiss the appeal as frivolous, which appellant opposed, and which we denied without prejudice because the appeal was still in settlement. Appellant's original opposition argued only that respondent was required to file a complaint in the district court before seeking summary judgment. This argument is

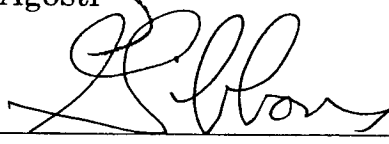
meritless. NRS 353C.150 clearly provides an alternative remedy to collect debts owed to the state, and the statute only requires an application for summary judgment, not a complaint.

In addition, our order of reversal in the previous appeal completely disposed of the merits of the underlying claim, and we denied rehearing.¹ Appellant had no basis for the instant appeal. We conclude that the appeal is frivolous and dismiss it.²

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Orin G. Grossman, P.C.
Attorney General Brian Sandoval/Las Vegas
Clark County Clerk

¹See *Labor Commissioner v Universal Electric*, Docket No. 38073 (Order of Reversal, November 21, 2002, and Order Denying Rehearing and Motion for Publication, February 5, 2003).

²We deny respondent's request for sanctions under NRAP 38.