

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH LISONI, ESQ., AN
INDIVIDUAL AND LISONI & LISONI,
A LAW CORPORATION,

Appellants,

vs.

LAWSUIT FINANCING, INC., A
NEVADA CORPORATION, F/K/A
PERSONAL INJURY FUNDING OF
AMERICA, A NEVADA
CORPORATION,

Respondent.

No. 47770

FILED

APR 24 2007

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

ORDER DISMISSING APPEAL

On December 20, 2006, this court entered an order granting a motion to withdraw filed by appellants' former counsel. That order directed appellants to retain new counsel and cause new counsel to enter an appearance on their behalf by January 19, 2007. Alternatively, in the event appellants would not be retaining new counsel, the order directed appellants to so inform this court in writing within the same time period. To date, appellants have not complied with our December 20, 2006, order, nor have they otherwise communicated with this court.

Respondent has moved to dismiss this appeal. In support of the motion, respondent points to appellants' failure to comply with our December 20, 2006, order. Additionally, respondent notes that the parties stipulated to dismiss appellants' prior appeal in Docket No. 46796,

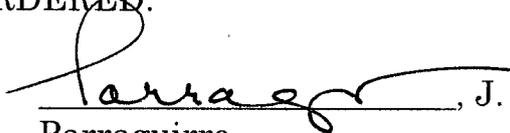
involving the same underlying matter. Respondent claims that the prior appeal was dismissed because appellants filed an “untimely” notice of appeal.¹ Respondent states that “Appellants have consistently failed to comply with the appeal process” and have “caused Respondent to incur attorney fees and other expenses for absolutely no reason.” Respondent argues that appellants’ conduct in this matter has been “frivolous” and that this court should not allow such conduct to continue.

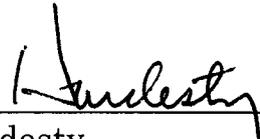
Appellants have not opposed the motion to dismiss this appeal, nor otherwise responded to it. We construe the lack of an opposition or other response as an admission that the motion is meritorious. See NRAP 27(a) (“[a]ny party may file a response in opposition to a motion . . . within seven (7) days after service of the motion . . .”); Cf. DCR 13(3) (“[f]ailure of the opposing party to serve and file his written opposition may be construed as an admission that the motion is meritorious and a consent to granting the same”); Walls v. Brewster, 112 Nev. 175, 912 P.2d 261 (1996) (district court properly construed plaintiff’s failure to respond to motion to dismiss as an admission that the motion was meritorious). Further, the failure to respond to the motion to dismiss and the failure to comply with our December 20, 2006, order indicate that

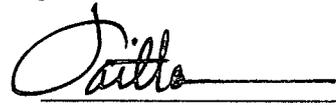
¹We note that the order dismissing the appeal in Docket No. 46796 indicates that the appeal was dismissed following a settlement conference; it does not discuss whether the appeal was timely filed.

appellants have abandoned this appeal. Accordingly, we grant respondent's motion and we dismiss this appeal.

It is so ORDERED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Saitta

cc: Honorable Timothy C. Williams, District Judge
John F. Mendoza, Settlement Judge
Lisoni & Lisoni
Joseph Lisoni Esq.
Max D. Spilka
Eighth District Court Clerk