

IN THE SUPREME COURT OF THE STATE OF NEVADA

LANE J. GROW,

Appellant

vs.

STATE OF NEVADA, BOARD OF
REGENTS OF THE NEVADA SYSTEM
OF EDUCATION, ON BEHALF OF THE
UNIVERSITY OF NEVADA, RENO;
AND UNIVERSITY OF NEVADA, RENO
POLICE DEPARTMENT,

Respondents.

No. 57188

FILED

JAN 18 2012

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

The settlement judge filed a report indicating that although a settlement was reached between former co-appellant David Osowski and respondents,¹ appellant Lane J. Grow failed to attend the scheduled mediation session. See NRAP 16(e)(1) (stating that counsel for all parties and their clients must attend the mediation session). According to the report, Mr. Grow was not excused from attending the mediation session, was not granted permission to participate by phone, nor did counsel have full authority to agree to a settlement upon his behalf. Id. (stating that the settlement judge may, for good cause shown, excuse a client's attendance at the mediation, provided that counsel has written authorization to resolve the case fully or has immediate telephone access to the client). In his report, the settlement judge recommended that this

¹ This appeal was partially dismissed as to Mr. Osowski and respondents pursuant to their settlement agreement and stipulation to dismiss.

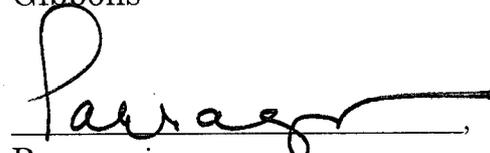
court dismiss this appeal as a sanction for Mr. Grow's failure to attend the scheduled mediation session. See NRAP 16(g) (the failure of a party to participate in good faith in the settlement process by not attending a scheduled mediation session may be grounds for sanctions against the party, including dismissal of the appeal). Accordingly, we directed Mr. Grow to show cause why this appeal should not be dismissed.

After review of Mr. Grow's response, the settlement judge's report, and the attachments thereto, we conclude that Mr. Grow has not shown good cause why this appeal should not be dismissed. Accordingly, in light of Mr. Grow's failure to comply with the procedural rules of this court's settlement program and pursuant to the recommendation of the settlement judge, we dismiss this appeal.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. James E. Wilson, District Judge
Morris Polich & Purdy, LLP/Las Vegas
Bart J. Patterson
Mary Phelps Dugan
Carson City Clerk