

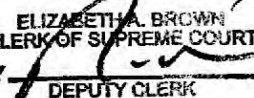
IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC HOFELE,
Appellant,
vs.
DEUTSCHE BANK NATIONAL TRUST
COMPANY; AND WESTERN
PROGRESSIVE NEVADA INC.,
Respondents.

No. 77104

FILED

FEB 20 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order granting summary judgment. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.


On January 9, 2020, this court granted appellant's motion for a fifth extension of time to file the opening brief or a motion to dismiss this appeal based on the parties' representations that a settlement was to be completed and paid in full no later than January 13, 2020. Pursuant to this court's order, appellant had until January 23, 2020, to file and serve the opening brief and appendix or a motion or stipulation to dismiss this appeal. Appellant was cautioned that no further extensions would be granted, and that failure to timely file the opening brief or motion or stipulation to dismiss could result in the imposition of sanctions, including dismissal of this appeal.¹ NRAP 31(d). To date, appellant has not filed the opening brief or motion or stipulation to dismiss, and has not otherwise communicated

¹A copy of this order is attached.

with this court. Accordingly, this court concludes that appellant has abandoned this appeal, and

ORDERS this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Elissa F. Cadish, District Judge
John Walter Boyer, Settlement Judge
Brandon L. Phillips, Attorney At Law, PLLC
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk

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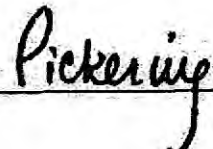
JAN 09 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER REGARDING MOTION

This court denied appellant's motion for a fourth extension of time to file the opening brief on the ground that continued settlement negotiations do not constitute extraordinary circumstances and extreme need. NRAP 31(b)(3)(B). The parties have now filed a joint motion for a fifth extension again based on finalizing settlement.¹ The parties represent that the settlement will be completed and paid in full no later than January 13, 2020. Under the circumstances, appellant shall have until January 23, 2020, to file and serve the opening brief and appendix or a motion or stipulation to dismiss this appeal. No further extensions will be granted. Failure to timely file the opening brief and appendix may result in the imposition of sanctions, including dismissal of this appeal. NRAP 31(d).

It is so ORDERED.

 C.J.

¹Although the parties titled the motion as one to "extend time to file case appeal statement, request for transcripts and to stay the appeal," in fact the case appeal statement was filed with the notice of appeal and the request for transcripts was filed on July 10, 2019. To date this court has entered four orders directing appellant to file the opening brief and appendix.

cc: **Brandon L. Phillips, Attorney At Law, PLLC**
Wright, Finlay & Zak, LLP/Las Vegas