

IN THE SUPREME COURT OF THE STATE OF NEVADA

KASSON LEROY CORNELLA,
Appellant,
vs.
TRENA MORETTO CORNELLA,
Respondent.

No. 37485

FILED

FEB 23 2006

ORDER DISMISSING APPEAL

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

This appeal has been stayed pursuant to the mandatory stay provisions of federal bankruptcy law since December 21, 2001. See 11 U.S.C. § 362(a). This court directed counsel for appellant, attorney Jonathan H. King, to file regular reports regarding the status of the bankruptcy proceedings. Mr. King reported that appellant had moved out of state and that appellant and his bankruptcy counsel had “refused to cooperate” in assisting Mr. King in filing any status reports on the bankruptcy proceeding. Thus, Mr. King represents that he “cannot inform this Court of the status of the bankruptcy proceedings because Appellant and his bankruptcy attorney have failed to provide the information necessary to file such a report.”

Attached to Mr. King’s report is a letter from Wyoming attorney, Patrick M. Hunter, who is apparently appellant’s bankruptcy counsel. In that letter to Mr. King, Mr. Hunter states that appellant “is not in control of the appeal, but rather that control resides with the . . . Trustee, Mr. Randy Royal.” Further, Mr. Hunter states that appellant “has no objection to a dismissal of the Appeal, and [he] suspect[s] that neither does the trustee.”

Shortly after this court received notice that appellant had filed for bankruptcy and prior to this court’s order recognizing the application of the bankruptcy stay to this appeal, the settlement judge filed a report


recommending that this appeal be dismissed as a sanction against appellant for failing to participate in good faith the settlement conference proceedings. See NRAP 16(f). The settlement judge reported that appellant failed to attend a scheduled conference and then failed to confirm that he would attend any future conference. Because of the bankruptcy stay, however, we have not considered the settlement judge's recommendation.

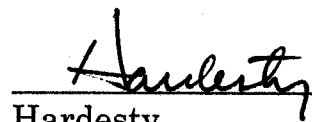
In light of his failure to attend the settlement conference or to cooperate with his attorney regarding the status of the bankruptcy proceedings, as well as the representations made in Mr. Hunter's letter, it appears appellant has abandoned this appeal. Accordingly, we dismiss this appeal as abandoned. If the bankruptcy stay is lifted and appellant wishes to pursue this appeal, he may file a motion to reinstate this appeal.

Finally, Mr. King has filed a motion to withdraw as counsel. The motion is served on appellant at his last known address. As cause for the motion, Mr. King represents that he is concerned that appellant "will not pay for future services to be rendered in this litigation." Cause appearing, we grant the motion. Accordingly, the clerk shall remove Mr. King from the docket of this appeal as counsel of record for appellant. See SCR 166(2)(d) (attorney may be allowed to withdraw when client fails to fulfill an obligation to lawyer regarding the lawyer's services); and SCR 46 (attorney may withdraw after judgment or final determination).

It is so ORDERED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Mario G. Recanzone, Senior Judge
Carolyn Worrell, Settlement Judge
Jonathan H. King
Gary M. Pakele
Patrick M. Hunter
Randy Royal
Anita C. Fillmore, Court Reporter
Kasson Leroy Cornella
Churchill County Clerk