

IN THE SUPREME COURT OF THE STATE OF NEVADA

PILAR ENRIQUE ARBALLO-OLIVAS,
INDIVIDUALLY,

Appellant,

vs.

AMY MARIE AINSWORTH,

Respondent.

No. 83814

FILED

AUG 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Youney
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment entered upon an arbitration award. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

This appeal was docketed in this court on November 19, 2021. After the parties failed to reach a settlement, this court issued an order reinstating the deadlines for filing documents. Pursuant to that order, the transcript request form was due to be filed by February 22, 2022, and the opening brief and appendix were due to be filed by May 9, 2022. Appellant failed to timely file the documents. Accordingly, on July 6, 2022, this court entered an order directing appellant to file and serve either a transcript request form or certificate of no transcript request and the opening brief and appendix within 7 days. The order cautioned that failure to comply timely could result in dismissal of this appeal. To date, appellant has failed to file the documents or otherwise communicate with this court.

On July 28, 2022, respondent filed a motion to dismiss this appeal based on appellant's failure to file the missing documents. On that same date, the motion was served electronically upon appellant's counsel. Appellant has not responded to the motion to dismiss. This court concludes

that appellant concedes the merit of respondent's motion. *See Foster v. Dingwall*, 126 Nev. 56, 66, 227 P.3d 1042, 1049 (2010) (stating that this court may construe the failure to oppose a motion as an admission that the motion is meritorious). Further, it appears that appellant has abandoned this appeal. Respondent's motion to dismiss is granted, and this court

ORDERS this appeal DISMISSED.


_____, J.
Silver


_____, J.
Cadish


_____, J.
Pickering

cc: Chief Judge, The Eighth Judicial District Court
Hon. Michael A. Cherry, Senior Justice
Janet Trost, Settlement Judge
Desert Ridge Legal Group
Adam S. Kutner
The702Firm
Eighth District Court Clerk