

IN THE SUPREME COURT OF THE STATE OF NEVADA  
FRONTIER PACIFIC INSURANCE  
COMPANY,

No. 38103

Appellant,

vs.

AHERN RENTALS, INC.,

Respondent.

**FILED**

JUL 31 2006

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

This appeal was docketed in this court in June 2001. In September 2001, a California court appointed the California Insurance Commissioner as conservator of appellant Frontier Pacific Insurance Company (FPIC). Two months later, the California court determined that FPIC was insolvent, that it would be futile for the commissioner to continue as conservator, and that there were sufficient grounds for the commissioner to liquidate and wind up FPIC's business. Accordingly, the California court appointed the commissioner as liquidator. Both of the California court's orders enjoined any actions against FPIC. Based on those orders, this court stayed this appeal in May 2002 and directed FPIC's counsel to provide periodic reports on the status of the California proceedings.<sup>1</sup>

The most recent status report indicates that FPIC's status remains "substantively the same since the filing of the original Stay

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<sup>1</sup>FPIC is a California-domiciled, wholly owned subsidiary of Frontier Insurance Company (FIC), a New York company. In August 2001, FIC was placed in rehabilitation with the New York Superintendent of Insurance acting as receiver. It appears that FIC is still in rehabilitation. FIC's rehabilitation and the apparent stay order regarding FIC have been mentioned in this court's prior orders regarding the status of this appeal; however, FIC is not a party to this appeal and it appears that FIC's status has no bearing on this appeal.


Order.” Counsel informs this court that the liquidator representative has indicated that “FPIC’s assets are being marshaled and the Proofs of Claim are still being adjusted.” FPIC asserts that the California stay remains in force and applies to this appeal.

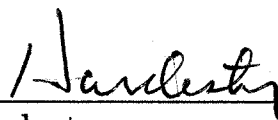
The record before this court reveals that the Superior Court for the County of San Diego appointed the California Insurance Commissioner to liquidate and wind up appellant’s business on November 3, 2001 – almost 5 years ago. This appeal has languished on this court’s docket since that time. Given the protracted pace of the liquidation proceedings, this appeal may further languish on this court’s docket for an indefinite period of time. We conclude, under these circumstances, that judicial efficiency will be best served if this appeal is dismissed, without prejudice. More precisely, as a dismissal *without prejudice* will not require this court to reach the merits of this appeal and will allow appellant to seek reinstatement of the appeal, if necessary, upon final resolution of the liquidation proceedings, appellant will not be deprived of its right to appellate review of the judgment appealed in this case.

Accordingly, cause appearing, we dismiss this appeal. This dismissal is without prejudice to appellant’s right to move for reinstatement of this appeal upon final resolution of the liquidation proceedings, if appellant deems such a motion appropriate at that time.

It is so ORDERED.

  
Maupin, J.

  
Gibbons, J.

  
Hardesty, J.

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cc: Eighth Judicial District Court Dept. 3, District Judge  
Lester H. Berkson, Settlement Judge  
Faux & Associates, P. C.  
Dixon & Truman  
Willard Roberts, Estate Trust Officer, California Conservation &  
Liquidation Office  
Clark County Clerk