

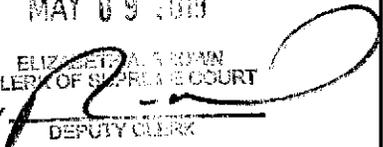
IN THE SUPREME COURT OF THE STATE OF NEVADA

O.P.H. OF LAS VEGAS, INC.,  
Appellant,  
vs.  
OREGON MUTUAL INSURANCE  
COMPANY; DAVE SANDIN; AND  
SANDIN & CO.,  
Respondents.

No. 76966

FILED

MAY 09 1988

ELIZABETH A. SWAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER REMOVING RESPONDENT*

This is an appeal from a district court order granting a motion for attorney fees and costs. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

Respondent Oregon Mutual Insurance Company (OMI) has filed a motion to be removed from the service list and caption of this appeal, asserting that it is not a party to this appeal. OMI states that the notice of appeal does not identify any order involving OMI and it is unclear why appellant includes OMI on the caption. Counsel for OMI requests \$200 in fees incurred in preparing the motion. The motion is unopposed.

Although appellant identified OMI as a respondent to this appeal in the case appeal statement, the docketing statement states that OMI is not a party to the appeal. Further, the opening brief only raises issues relating to the award of attorney fees and costs in favor of respondents Dave Sandin and Sandin & Co. The certificate of service for the opening brief indicates that it was served only on counsel for Sandin and Sandin & Co. Under these circumstances, it appears that OMI is not a

proper respondent to this appeal. Accordingly, the motion is granted. The clerk shall remove OMI as a respondent to this appeal. OMI's request for attorney fees is denied.

Appellant shall have 30 days from the date of this order to file and serve any reply brief. Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

 C.J.

cc: Hon. Gloria Sturman, District Judge  
Michael H. Singer, Settlement Judge  
Dickinson Wright PLLC  
Hutchison & Steffen, LLC/Las Vegas  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Eighth District Court Clerk