

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGELA DECHAMBEAU AND JEAN-PAUL DECHAMBEAU, BOTH INDIVIDUALLY AND AS SPECIAL ADMINISTRATORS OF THE ESTATE OF NEIL DECHAMBEAU,
Appellants,
vs.
STEPHEN C. BALKENBUSH, ESQ.;
AND THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER, A NEVADA PROFESSIONAL CORPORATION,
Respondents.

No. 64463

FILED

MAY 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

*ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO COMPEL TRANSCRIPT REQUEST*

Respondents have filed a motion to compel appellants to order transcripts of the district court's September 24, 2013, summary judgment hearing or, alternatively, to dismiss this appeal for appellants' failure to do so, under NRAP 9(a)(5). Appellants oppose the motion, arguing that the transcripts are not necessary to this court's consideration of this appeal.

NRAP 9(a)(5) provides in pertinent part that "[i]f the parties cannot agree on the transcripts necessary to the Supreme Court's review, and appellant requests only part of the transcript, appellant shall request any additional parts of the transcript that the respondent considers necessary." Thus, under NRAP 9(a)(5), appellants are obligated to request all the transcripts that respondents believe are necessary for this court's resolution of this appeal, regardless of whether appellants agree with respondents' assessment. Further, appellants are responsible for any additional transcript deposit that may be required. NRAP 9(a)(5) and

(b)(1). Appellants' failure to timely request transcripts under this rule may result in the imposition of sanctions, including dismissal of the appeal.¹ NRAP 9(a)(6).

Here, however, as respondents already have filed a request for additional transcripts, requiring appellants to file a supplemental transcript request form at this time would only delay this appeal. Accordingly, in the interest of judicial economy, we waive the obligation. Appellants shall have 11 days from the date of this order to pay \$166.85 to respondents in sanctions, representing the costs of the transcript. As this court prefers to decide cases on their merits, we deny the portion of respondents' motion that requests dismissal of this appeal. *See Huckabay Props. v. NC Auto Parts*, 130 Nev. ___, ___, ___ P.2d ___, ___ (Adv. Op. No. 23, March 27, 2014).

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Charles R. Kozak
Piscevich & Fenner

¹Likewise, respondents may be subject to sanctions if it is later discovered that the requested transcripts were not necessary for this court's review of the appeal. *See, e.g.*, NRAP 30(b) (stating that this court may impose costs upon parties or attorneys who unnecessarily enlarge the appendix); *Beattie v. Thomas*, 99 Nev. 579, 589, 668 P.2d 268, 274-75 (1983); *Driscoll v. Erreguible*, 87 Nev. 97, 482 P.2d 291 (1971).