

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

RONALD ERNEST LAKEMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64591 ✓

FILED

JAN 27 2014

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

No. 64609

ORDER

Appellants have filed a joint motion to consolidate these appeals. In support of the motion, appellants point out that they were joined for trial and represent that although they intend to raise some separate claims, they expect to raise a number of the same issues. Appellants also note that consolidation will allow them to use a single transcript to prepare the briefs and avoid burdening this court with duplicative records.

Relatedly, appellant Dipak Desai has filed a notice informing this court that he has not filed a rough draft transcript request form because, if the motion to consolidate these appeals is granted, the transcripts already requested by appellant Ronald Lakeman "will satisfy the transcript requirement for the consolidated appeals." Desai requests that this court suspend the requirement to request transcripts pending resolution of the motion to consolidate.

Lakeman filed a file-stamped copy of a transcript request form in this court on December 18, 2014, that included a request for production of the trial transcripts. Because Lakeman and Desai were tried together, the transcripts of the trial proceedings will be identical. In light of Lakeman's request for production of the trial transcripts, there is no need for Desai to separately request those same transcripts; he may obtain a copy of the transcripts once they are filed pursuant to Lakeman's request. Under these circumstances, we construe Desai's notice as a notice that no transcripts are being requested. *See* NRAP 9(a)(1)C). Because Desai implies that the transcripts requested by Lakeman are the only transcripts he requires to prosecute his appeal, we deny as moot Desai's request to suspend the requirement to request transcripts.


Regarding the motion to consolidate, we conclude that despite the overlapping nature of these appeals, consolidation is not practicable considering that appellants represent that they intend to raise some distinct issues. *See* NRAP 3(b). Further, as noted above, appellants can each prepare their briefs and appendices utilizing the same transcripts. Accordingly, the motion to consolidate these appeals is denied.

Lakeman also requests removal of his appeal from the fast track program. We agree that full briefing of that appeal is warranted and grant the motion to remove Lakeman's appeal from the fast track program.¹ *See* NRAP 3C(k)(2)(B)(ii). Counsel for the parties shall fully brief the issues as provided in NRAP 28, 28.2, 30, 31 and 32. Lakeman shall have 90 days from the date of this order to file and serve the opening

¹Lakeman's request for an extension of time to file the fast track statement is denied as moot.

brief and appendix. Thereafter, briefing shall proceed in accordance with the schedule set forth in NRAP 31(a)(1). We caution the parties that failure to comply with this order may result in the imposition of sanctions. See NRAP 28(j), 28.2(b), 30(g), and 31(d).

It is so ORDERED.

 C.J.

cc: Franny A. Forsman
Wright Stanish & Winckler
Santacroce Law Offices, Ltd.
Attorney General/Carson City
Clark County District Attorney