

IN THE SUPREME COURT OF THE STATE OF NEVADA

CORY DEALVONE HUBBARD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66185

**FILED**

FEB 09 2015

TRACIE K. INDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER REGARDING TRANSCRIPTS AND GRANTING MOTION*

Appellant's counsel has filed a motion for an extension of time to file the opening brief and appendix. Counsel represents that the requested transcripts "have yet to be properly delivered" to him.

On December 15, 2014, court reporter Dana Tavaglione filed a certificate in this court stating that she e-mailed the transcripts requested of her to counsel on December 10, 2014. On January 26, 2015, court reporter Robert Cangemi filed a certificate in this court stating that he "distributed copies" of the transcripts requested of him to counsel on January 21, 2015. Based on counsel's motion, however, it appears that counsel has not received the transcripts from either Ms. Tavaglione or Mr. Cangemi. In addition, although appellant requested the transcripts of proceedings held on January 14, 2014, and January 21, 2014, from Mr. Cangemi, Mr. Cangemi's certificate does not state that he prepared these transcripts. A copy of the transcript request form is attached.

Appellant's counsel shall have 5 days from the date of this order to verify that he has provided Ms. Tavaglione and Mr. Cangemi with the correct contact information. Ms. Tavaglione shall have 11 days from the date of this order to redeliver the prepared transcripts to counsel. Mr. Cangemi shall have 20 days from the date of this order to: (1) file the

transcripts of proceedings conducted on January 14 and 21, 2014, if he has not already done so, (2) file with this court the notice required by NRAP 9(b)(2), and (3) deliver/redeliver all requested transcripts to counsel for appellant.

Counsel served court reporter Bill Nelson with a transcript request form on October 15 2014, requesting the production of several transcripts. To date however, Mr. Nelson has not filed the notice of delivery required by NRAP 9(b)(2). A copy of the transcript request form is attached.

Mr. Nelson shall have 20 days from the date of this order to: (1) file and deliver the requested transcripts as required by NRAP 9(b)(1)(A) and (2) file with this court the notice required by NRAP 9(b)(2).<sup>1</sup>

If any court reporter needs an extension of time, a motion as provided in NRAP 9(b)(4) must be filed within the same time period. If any court reporter believes that he or she is not responsible for producing the requested transcripts, he or she shall inform this court in writing immediately. Failure to comply with this order may result in the imposition of sanctions. *See* NRAP 9(b)(5); NRAP 13(b).

If counsel does not receive all transcripts requested from Ms. Tavaglione, Mr. Cangemi, and Mr. Nelson within the times established by this order he shall so notify this court, in writing within 30 days of the date of this order.

On October 15, 2014, appellant filed a transcript request form requesting that court reporter JoAnn Melendez prepare the transcript of

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<sup>1</sup>We note that counsel requested the transcript of proceedings held on September 23, 2013, but it does not appear from the district court minutes that any proceedings were conducted on that date.

proceedings held on November 7, 2013. Because a transcript of this proceeding was filed in the district court on January 24, 2014, prior to the docketing of this appeal, appellant should not have filed a transcript request form requesting its production. See NRAP 9(a)(1)(B). Therefore, Ms. Melendez shall disregard the transcript request form served on her on October 15, 2014.

Extraordinary circumstances and extreme need having been shown, the motion for an extension of time is granted. NRAP 31(b)(3)(B). Appellant shall have until May 6, 2015, to file and serve the opening brief and appendix. Given the length of this initial extension request, no further extensions shall be permitted absent extraordinary circumstances and extreme need. NRAP 31(b)(3)(B). Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions.

It is so ORDERED.

 \_\_\_\_\_, C.J.

cc: Brent D. Percival  
Attorney General/Carson City  
Clark County District Attorney  
Dana Tavaglione, Court Reporter  
Robert Cangemi, Court Reporter  
Bill Nelson, Court Reporter  
JoAnn Melendez, Court Reporter