

Table of Exhibits

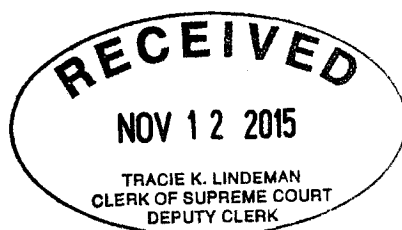
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EXHIBIT	TITLE DESCRIPTION	DATE
A (1-2)	MUTCD 2009 Edition: 1A.13 Purposes of Traffic Control Devices & MAP OF AREA CLOSED TO Public Travel	2009
B	Memorandum in Support of Appeal	08/15/2015
C	City of Henderson's Motion to Dismiss for Failure to Prosecute Appeal	07/30/2015
D	Petitioners Notice of Perfection of Appeal	06/01/2015
E	City of Hendeerson's Response to Defendants Notice of Perfection of Appeal filed 06/01/2015	06/11/2015
F	District Court, Clark County Nevada, Clerk/CEO	09/23/2015
G	Honorable Rob Bear Justice Court ORDER	10/21/2015
H	City of Henderson Notice of Entry of Order Denying Appellant's Motion to Grant Appeal and Granting City of Hwenderson's Motion to Dismiss for Failure to Prosecute Appeal	10/21/2015



15-34638

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15 **CITY OF HENDERSON**

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 LAWRENCE N. SPARKS,) Case No.: C-15-305849-A
) Dept. No.: XXXII
14 Appellant,)
) Henderson Case: 14TR017138-2
15 vs.) Henderson Dept: 1
)
16 CITY OF HENDERSON,) Hearing Date: September 9, 2015
) Hearing Time: 10:00 a.m.
17 Respondent.)
18)

19
20 **NOTICE OF ENTRY OF ORDER DENYING APPELLANT'S MOTION**
21 **TO GRANT APPEAL AND GRANTING CITY OF HENDERSON'S**
22 **MOTION TO DISMISS FOR FAILURE TO PROSECUTE APPEAL**

23 **PLEASE TAKE NOTICE** that on the 21st day of October, 2015, an Order
24 Denying Appellant's Motion to Grant Appeal and Granting City of Henderson's

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1 Motion to Dismiss for Failure to Prosecute Appeal was entered in the above-
2 referenced matter. A true and correct copy is attached.

3 DATED this 21st day of October, 2015

4 JOSH M. REID, ESQ.
5 CITY ATTORNEY

6
7 By: /s/ Laurie A. Iscan
8 LAURIE A. ISCAN, ESQ.
9 Assistant City Attorney
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1 The Court, after carefully considering the papers submitted and hearing
2 arguments, the Court issued its Decision on the 11th day of September, 2015.

3 The court found that it is the appellant's responsibility to provide the
4 materials necessary for the Court's review. Byford v. State, 116 Nev. 215, 238,
5 994 P.2d 700, 715 (2000). Appellant has the ultimate responsibility to provide this
6 Court with portions of the record essential to determination of issues raised in
7 appellant's appeal. Fields v. State, 125 Nev. 785, 790, 220 P.3d 709, 712 (2009).
8 Although Nevada courts have a sound policy preference for deciding cases on the
9 merits, that policy is not boundless and must be weighed against other policy
10 considerations, including the public's interest in expeditious appellate resolution,
11 which coincides with the parties' interests in bringing litigation to a final and
12 stable judgment; prejudice to the opposing party; and judicial administration
13 concerns, such as the court's need to manage its large and growing docket.
14 Huckabay Props. v. NC Auto Parts, 130 Nev.Adv.Op. 23, 322, P.3d 429, 433
15 (2014). A party cannot rely on the preference for deciding cases on the merits to
16 the exclusion of all other policy considerations, and when an appellant fails to
17 adhere to Nevada's appellate procedure rules, which embody judicial
18 administration and fairness concerns, or fails to comply with court directives or
19 orders, that appellant does so at the risk of forfeiting appellate relief. *Id.* At 434.
20 Inherent in Nevada courts is the power to dismiss a case for failure to prosecute or
21 to comply with its orders; to prevent undue delays and to control their calendars,
22 courts may exercise this power within the bounds of sound judicial discretion,
23 independent of any authority granted under statutes or court rules. Moore v.
24 Cherry, 90 Nev. 390, 393, 528 P.2d 1018, 1020 (1974). Appellate courts in
25 Nevada have a long history of dismissing appeals for the failure of an appellant to
26 file the transcript on time. See Collins v. Nat C. Goodwin & Co., 32 Nev. 342, 108
27 P.4 (1910) (An appeal dismissed on motion, because of the failure of appellant to
28 file the transcript in time.).

1 In this case, Appellant filed his Notice of Appeal on April 15, 2015. The
2 transcript has not been filed and a briefing schedule was never set, which prevents
3 oral arguments in this matter to occur. Multiple hearings have occurred where
4 Appellants was advised to obtain and file the transcript. Appellant has acted with
5 continued disregard for the orders of this Court.

6 COURT THEREFORE ORDERS that Appellant has failed to timely
7 prosecute his appeal and his appeal is DISMISSED.

8 IT IS FURTHER ORDERED that Appellant Lawrence Sparks' Motion to
9 Grant Appeal is hereby DENIED.

10 IT IS FURTHER ORDERED that Respondent's Motion to Dismiss Appeal
11 for Failure to Prosecute is hereby GRANTED.

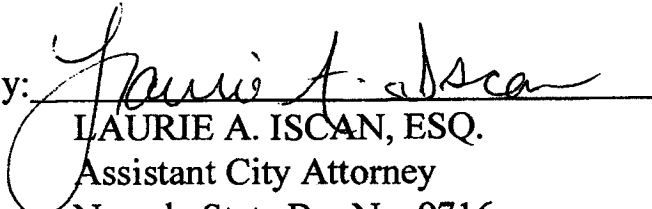
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14 
15 ROB BARE
16 JUDGE, DISTRICT COURT, DEPARTMENT 32

17 DATED: Oct 5, 2015

18 Prepared and submitted by:

19 ROB BARE
20 JUDGE, DISTRICT COURT, DEPARTMENT 32

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22 CITY ATTORNEY

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