

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARDEE HOMES OF NEVADA,
Appellant,

vs.

JAMES WOLFRAM, AN INDIVIDUAL;
ANGELA L. LIMBOCKER-WILKES, AS
TRUSTEE OF THE WALTER D.
WILKES AND ANGELA L.
LIMBOCKER-WILKES LIVING TRUST,
A NEVADA TRUST; AND WALTER D.
WILKES AND ANGELA L.
LIMBOCKER-WILKES LIVING TRUST,
A NEVADA TRUST,

Respondents.

No. 72371

FILED

AUG 09 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTION

Respondents have filed a motion for sanctions, arguing that appellant has misused the appellate process by misrepresenting the record on appeal, and by taking a conflicting position in this appeal to positions taken in ongoing related cases. *See* NRAP 38. Appellant opposes the motion, and respondents have submitted a reply.¹

After review of these documents, the court concludes that a determination of whether the appellate process has been abused in this instance is better made after the court has considered the issues on appeal on their merits. Thus, the court declines to impose sanctions at this time. This denial is without prejudice, however, to respondents refiling such a motion after resolution of this appeal. Briefing has been completed in this appeal, and we remind the parties that in resolving this appeal, this court

¹Cause appearing, respondents' motion for leave to file a reply in excess of the page limitation is granted. The clerk of this court shall file the reply received on July 25, 2018.

will disregard any factual assertions that are not properly supported by references to the record. *See Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 635 P.2d 276 (1981).

It is so ORDERED.

, C.J.

cc: McDonald Carano LLP/Las Vegas
The Jimmerson Law Firm, P.C