

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN FITZGERALD,  
Appellant,  
vs.  
MOBILE BILLBOARDS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND VINCENT  
BARTELLO, AN INDIVIDUAL,  
Respondents.

No. 72803

**FILED**

OCT 30 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK()

*ORDER REGARDING ANSWERING BRIEF AND CONDITIONALLY  
IMPOSING SANCTIONS*

On August 2, 2017, this court entered an order removing counsel of record for respondents and directing respondent Vincent Bartello, within 30 days, to retain new counsel and cause new counsel to file a notice of appearance with this court or to inform this court whether he wishes to proceed in pro se. We further directed respondent Mobile Billboards, LLC to retain new counsel and cause new counsel to file a notice of appearance with this court.<sup>1</sup> We cautioned respondents that failure to timely comply

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<sup>1</sup>*See State v. Stu's Bail Bonds*, 115 Nev. 436, 436 n.1, 991 P.2d 469, 470 n.1 (1999) (noting that "business entities are not permitted to appear, or file documents, in proper person"); *Salman v. Newell*, 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994) (observing that no statute or rule permits a

with this order could result in this appeal being decided without an answering brief. To date neither Bartello nor Mobile Billboards has responded to our order. Accordingly, this matter will be decided on the opening brief alone, without an answering brief from either respondent.

Appellant has failed to file the transcript request form or certificate of no transcript request, as directed in our August 2, 2017, order. NRAP 9(a). We cautioned appellant that failure to comply with our order could result in the imposition of sanctions against appellant and his counsel. *See* NRAP 9(a)(7). To date, counsel for appellant, Victoria L. Neal, has failed to file the transcript request form, warranting the conditional imposition of sanctions. Ms. Neal shall pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment within 15 days from the date of this order. The conditional sanction will be automatically vacated if Ms. Neal files and serves the transcript request form or a properly supported motion to extend time, *see* NRAP 26(b)(1)(A), within 11 days from the date of this order.<sup>2</sup>

If the required documents are not timely filed, the sanction will no longer be conditional and must be paid. Failure to comply with this order or any other filing deadlines may result in the dismissal of this appeal. *See* NRAP 9(a)(7). Further, because it appears that Ms. Neal's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), failure to comply with this

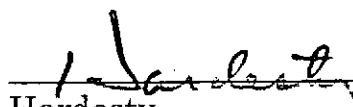
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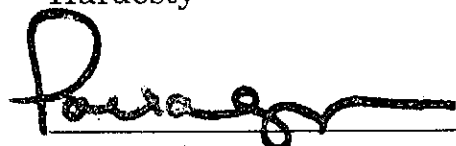
non-lawyer to represent an entity and concluding that an entity cannot proceed in proper person).

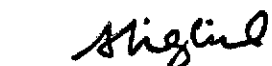
<sup>2</sup>If no transcripts are to be requested, Ms. Neal shall file and serve a certificate to that effect within the same time period. *See* NRAP 9(a)(1)(C).

order or any other filing deadlines will also result in Ms. Neal's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

  
Hardesty, J.

  
Parraguirre, J.

  
Stiglich, J.

cc: Kemp & Kemp  
Victoria L. Neal  
Vincent Bartello  
Mobile Billboards, LLC,  
Supreme Court Law Librarian