

IN THE SUPREME COURT OF THE STATE OF NEVADA

VEGAS UNITED INVESTMENT
SERIES 105, INC., A NEVADA
DOMESTIC CORPORATION,

Appellant,

vs.

CELTIC BANK CORPORATION,
SUCCESSOR-IN-INTEREST TO
SILVER STATE BANK BY
ACQUISITION OF ASSETS FROM THE
FDIC AS RECEIVER FOR SILVER
STATE BANK, A UTAH BANKING
CORPORATION ORGANIZED AND IN
GOOD STANDING WITH THE LAWS
OF THE STATE OF UTAH,

Respondent.

No. 74163

FILED

FEB 12 2018

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

ORDER REINSTATING BRIEFING AND IMPOSING SANCTIONS

Pursuant to NRAP 16, the settlement judge has filed a report with this court indicating that the parties were unable to agree to a settlement. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs. *See* NRAP 16.

Appellant shall have 15 days from the date of this order to file and serve a transcript request form. *See* NRAP 9(a).¹ Further, appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix.² Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

¹If no transcript is to be requested, appellant shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

²In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.

In his report, the settlement judge indicates that after waiting for over an hour past the start time for the scheduled settlement conference, appellant's counsel had still not appeared. Accordingly, the settlement judge terminated the conference. After the conference had been terminated, appellant's counsel finally appeared, but the parties and opposing counsel had already left. The settlement judge indicates that counsel for respondent has requested sanctions of one hour of attorney's fees and travel expenses for respondent, and that he agrees with this request. See NRAP 16(g) (the failure of a party to participate in good faith in the settlement process by not attending a scheduled mediation or not complying with the procedural requirements of the program may be grounds for sanctions).

We agree with the settlement judge's recommendation. Accordingly, appellant's counsel shall personally pay the sum of \$1,304.37 to respondent to partially offset the attorney's fees and costs incurred by respondent in attending the scheduled mediation. Counsel for appellant shall file proof of payment with this court within 15 days from the date of this order. We caution appellant's counsel that failure to comply with this order may result in the imposition of additional sanctions, including referral to the State Bar of Nevada.

It is so ORDERED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Michael H. Singer, Settlement Judge
Roger P. Croteau & Associates, Ltd.
Sylvester & Polednak, Ltd.