

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE COLMAN
FAMILY REVOCABLE LIVING TRUST,
DATED JUNE 23, 2011.

No. 75029

PAUL VALER COLMAN, TRUSTEE OF
THE COLMAN FAMILY LIVING
TRUST, DATED JUNE 23, 2011; AND
THE COLMAN FAMILY REVOCABLE
LIVING TRUST, DATED JUNE 23,
2011,
Appellants,
vs.
TONYA COLLIER,
Respondent.

FILED

MAR 28 2018

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

ORDER CONDITIONALLY IMPOSING SANCTIONS

On February 6, 2018, this case was docketed in this court without the requisite \$250 filing fee. *See* NRAP 3(a)(2); NRAP 3(e). Accordingly, on that date, this court issued a notice informing appellants that the filing fee was due and that no action would be taken in this matter until payment of the filing fee. The notice further cautioned that the failure to pay the filing fee within 10 days would result in dismissal of the appeal. On February 16, 2018, appellants filed a notice to withdraw the appeal because the notice of appeal was filed prematurely and improvidently.¹ On February 28, 2018, this court issued an order advising appellants that the fee was due at the time of filing the notice of appeal. *See* NRAP 3(e) ("upon

¹We construe appellants' notice of withdrawal as a motion to withdraw the appeal.

filing a notice of appeal, the appellant must pay . . . the Supreme Court filing fee"); NRS 2.250(1)(a) ("appellant ... shall, at or before the appeal . . . has been entered on the docket, pay to the Clerk of the Supreme the sum of \$200"); NRS 2.250(c)(1) ("appellant . . . shall, at or before the appeal . . . has been entered on the docket, pay to the Clerk of the Supreme Court a court automation fee of \$50"). Appellants were again directed to pay the filing fee and advised that no action would be taken on appellants' notice of withdrawal until the filing fee was paid or appellants demonstrated that they were exempt from paying the filing fee. Our order further cautioned that the failure to comply could result in the imposition of sanctions, including referral of counsel to the State Bar of Nevada for investigation pursuant to SCR 104-105. To date, appellants have failed to comply with this court's notice and order to pay the filing fee.

We conclude that appellants' failure to pay the filing fee in compliance with the court's procedural rules and the notice and order issued in this matter warrants the *conditional* imposition of sanctions. Accordingly, appellants shall, within 15 days from the date of this order, pay the sum of \$500 to the Supreme Court Law Library and provide this court with proof of such payment. However, this sanction shall be automatically vacated if appellants pay the filing fee within 10 days from the date of this order.

It is so ORDERED.

, C.J.

cc: TCM Law
Rushforth Lee & Kiefer LLP