

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY D. SPENCER, AN
INDIVIDUAL,

Appellant,

vs.

HELMUT KLEMENTI, AN
INDIVIDUAL; EGON KLEMENTI, AN
INDIVIDUAL; ELFRIEDE KLEMENTI,
AN INDIVIDUAL; MARY ELLEN
KINION, AN INDIVIDUAL; ROWENA
SHAW, AN INDIVIDUAL; AND PETER
SHAW, AN INDIVIDUAL,

Respondents.

JEFFREY D. SPENCER,

Appellant,

vs.

HELMUT KLEMENTI, AN
INDIVIDUAL; EGON KLEMENTI, AN
INDIVIDUAL; ELFRIEDE KLEMENTI,
AN INDIVIDUAL; MARY ELLEN
KINION, AN INDIVIDUAL; ROWENA
SHAW, AN INDIVIDUAL; AND PETER
SHAW, AN INDIVIDUAL,

Respondents.

No. 77086

FILED

APR 22 2019

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

No. 77711

ORDER CONDITIONALLY IMPOSING SANCTIONS

On November 7, 2018, counsel for appellant served court reporter Lesley Clarkson with a request for transcripts. On January 22, 2019, appellant filed a motion for an extension of time to file the opening brief because he had not yet received the requested transcripts. This court granted the motion and also entered an order, on January 29, 2019, directing Clarkson to file and deliver the requested transcripts and file a

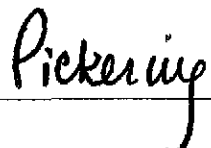
notice in compliance with NRAP 9(c)(2) by February 19, 2019.¹ If an extension of time was necessary, Clarkson was to file a motion for an extension of time within the same time period. If Clarkson believed that the transcript request form was addressed to the incorrect court reporter, Clarkson was to notify this court in writing immediately. The order warned that failure to comply could result in the imposition of sanctions. To date, Clarkson has not filed a notice that the completed transcripts have been filed and delivered or otherwise communicated with this court. Additionally, appellant's counsel has filed a motion for a second extension to file the opening brief in which counsel represents that the transcript of proceedings held on December 15, 2016, has not yet been produced.

Clarkson's failure to provide counsel with the requested transcript in compliance with this court's procedural rules and the order entered in this matter warrants the *conditional* imposition of sanctions. See NRAP 13(a) (a person serving as a court reporter in a trial or hearing subject to Supreme Court review is, for such purposes, an officer of the Supreme Court and accountable to that court for the faithful performance of his or her duties). Accordingly, Clarkson shall, within 21 days from the date of this order, pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment. The sanctions shall be automatically vacated if Clarkson files the December 15, 2016, transcript in the district court, delivers the transcript to counsel, and files a notice of delivery in this court within 14 days from the date of this order. Alternatively, Clarkson may file a motion for an extension of time. Any motion for extension of time shall explain the reasons for the failure to file


¹A copy of this order is attached.

the missing transcript in a timely manner and shall set forth sufficient cause for the requested extension of time. Failure to comply with this order may result in the imposition of additional sanctions, including referral to the Nevada Certified Court Reporters Board. *See* NRAP 13(b).

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Doyle Law Office, PLLC
Lemons, Grundy & Eisenberg
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Reno
Tanika M. Capers
Lesley Clarkson, Court Reporter
Supreme Court Law Librarian

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JAN 29 2019

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


ORDER REGARDING TRANSCRIPTS

Appellant served a transcript request form on court reporter Lesley Clarkson on November 7, 2018. In a motion for an extension of time filed with this court on January 22, 2019, counsel for appellant represents that she has not yet received the transcripts requested from Clarkson. To date, Clarkson has not filed the notice of delivery required by NRAP 9(c)(2). A copy of the transcript request form is attached.

Clarkson shall have 20 days from the date of this order to: (1) file and deliver the requested transcripts as required by NRAP 9(c)(1)(A) and (2) file with this court the notice required by NRAP 9(c)(2). If Clarkson needs an extension of time, a motion as provided in NRAP 9(c)(4) must be filed within the same time period. If Clarkson believes that the transcript request form was addressed to the incorrect court reporter, Clarkson shall

inform this court in writing immediately. Failure to comply with this order may result in the imposition of sanctions. See NRAP 9(c)(5); NRAP 13.

It is so ORDERED.

 C.J.

cc: Doyle Law Office, PLLC
Lemons, Grundy & Eisenberg
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Reno
Tanika M. Capers
Lesley Clarkson