

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF:
DENNIS JOHN CARVER, DECEASED.

No. 81447

COLONIAL REAL ESTATE
PARTNERSHIP, LTD.; AND JOHN
HOULIHAN,

Appellants,

vs.

RHONDA MORGAN, PERSONAL
REPRESENTATIVE OF THE ESTATE
DENNIS JOHN CARVER,

Respondent.

FILED

AUG 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER

Appellants have filed a motion for a second extension of time to file the opening brief and appendix. Once a party receives a telephonic extension of time to perform an act, further extensions of time to perform that same act are barred unless the moving party files a motion for an extension of time demonstrating extraordinary and compelling circumstances in support of the requested extension. NRAP 26(b)(1)(B); NRAP 31(b)(3)(A)(iv). Appellants previously received a telephonic extension of time to file the opening brief.

In support of the current motion, counsel for appellants states that he has not yet received the requested transcript and cites a pandemic-related backlog of work. Counsel's backlog presumably arose prior to his request for a telephonic extension of time. Further, review of the transcript request form filed by appellants reveals that it is deficient. Appellants requested production of a transcript of proceedings held on May 14, 2021. This date is almost a year after the docketing of this appeal. And the district

court docket entries do not indicate that any proceedings occurred on May 14, 2021. Accordingly, the May 14, 2021, date referenced in the transcript request form appears to be incorrect. To the extent appellants attempted to request a transcript of proceedings occurring on May 14, 2020, it appears the transcript request form is not addressed to the responsible court recorder. See NRAP 9(a)(3)(C) (requiring an appellant to examine the district court minutes to determine the court recorder or reporter who recorded the proceedings and address the transcript request form to that recorder or reporter). Appellants' transcript request form is addressed to court reporter Nancy Maldonado. But the district court minute entries indicate that court recorder Jessica Kirkpatrick is responsible for the May 14, 2020, proceedings. And appellants' transcript request form does not contain a certification that appellants paid the required deposit as required by NRAP 9(a)(3)(C)(v). Under these circumstances, appellants fail to demonstrate extraordinary and compelling circumstances warranting a second extension of time. Counsel for appellants is admonished for failing to file a compliant transcript request form. Future failure to file a compliant transcript request form may result in the imposition of sanctions, including the dismissal of an appeal. NRAP 9(a)(7).

Nevertheless, because it appears an extension of time is necessary, we grant an extension of time in this instance only. Appellants shall have 7 days from the date of this order to serve and file, in this court, a file-stamped transcript request form that fully complies with the requirements of NRAP 9(a). Appellants shall have 60 days from the date of this order to file and serve the opening brief and appendix. Failure to timely file and serve a compliant transcript request form or the opening brief and

appendix may result in the imposition of sanctions, including the dismissal of this appeal. NRAP 9(a)(7); NRAP 31(d).

It is so ORDERED.

1. Sanderby, C.J.

cc: Flangas Civil Law Firm, Ltd.
Clear Counsel Law Group