

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACY LEE CASTL,
Appellant,
vs.
PENNYMAC HOLDINGS, LLC,
Respondent.

No. 82296

FILED

APR 18 2022

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

ORDER

On March 29, 2022, this court entered an order denying appellant's motion for a seventh extension of time to file the opening brief and directing appellant to file and serve the opening brief and any appendix by April 5, 2022. The order noted that this appeal has been pending on this court's docket for over one year and cautioned that failure to timely file and serve the opening brief would result in the imposition of sanctions, including, but not necessarily limited to, monetary sanctions and/or the dismissal of this appeal. *See* NRAP 31(d). The order also stated that no further extensions of time would be granted absent demonstration of the most extraordinary circumstances and extreme need. NRAP 31(b)(3)(B).

Appellant did not timely file the opening brief or otherwise communicate with this court. On April 7, 2022, respondent filed a notice advising this court that appellant did not timely file the opening brief and appendix. On April 11, 2022, appellant filed an eighth motion for an extension of time (30 days) and to reconsider the denial of the seventh

motion. Counsel for appellant states that appellant has serious neurological issues that impede her memory and ability to communicate with counsel. Counsel says appellant will bring in additional counsel who is better able to communicate with appellant. Counsel also asserts that the communication issues led to the untimely filing of the current extension motion. Finally, counsel requests that this court refrain from imposing sanctions because appellant's medical condition has caused her serious financial issues and counsel is undertaking this appeal at reduced rates.

This court is sympathetic to appellant's medical issues. However, this appeal has been pending for over 15 months; appellant cannot indefinitely delay the briefing of this appeal. And counsel does not adequately explain how appellant's medical issues caused him to fail to comply with the briefing deadline or otherwise timely communicate with this court. Under these circumstances, this court orders as follows.

Appellant's motion for an extension of time and for reconsideration is denied. Within 14 days from the date of this order, counsel for appellant, Byron E. Thomas, shall pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment. This sanction is conditional—it will be automatically vacated if the opening brief and any appendix are filed and served within 7 days of the date of this order. If the opening brief is 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 in this matter will result in the dismissal of this appeal. Further, because it appears that Mr. Thomas'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 order or any

other filing deadlines may also result in his referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Byron Thomas
Law Offices of Byron Thomas
Maurice Wood
Akerman LLP/Las Vegas
Supreme Court Law Librarian