

**IN THE SUPREME COURT FOR THE STATE OF NEVADA**

Jeffrey Reed,  Petitioner,  vs.  Alecia Reed nka Draper and Alicia Draper, as Conservator for Emily Reed,  Respondent.	<div>Electronically Filed Feb 23 2022 04:36 a.m. Elizabeth A. Brown Clerk of Supreme Court</div>  Supreme Court #: 82575 (Appeal)  District Court Case #: 05D338668
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**NOTICE OF PETITIONER’S NON-COMPLIANCE WITH THIS COURT’S  
ORDER & REQUEST FOR ENTRY OF ORDER SANCTIONING  
PETITIONER**

Respondent, Alecia Draper, as Conservator for Emily Reed (“Emily”), respectfully represents the following:

On 1/28/2022 this Court dismissed Petitioner’s Appeal based in part on Petitioner’s repeated failure to comply with the rules of appellate procedure. Thereafter, on 2/10/2022 Petitioner filed a *Motion to Set Aside Order Dismissing Appeal* (“Petitioner’s Motion”). On 2/15/2022 Respondent filed an *Opposition* to Petitioner’s Motion and requested sanctions against Petitioner in the amount of \$2,500 due to Petitioner’s filing of a frivolous motion that violated NRAP 40 in all respects. On 2/15/2022 this Court entered an Order stating that it would construe Petitioner’s Motion as a petition for rehearing and ordered Petitioner to pay the filing fee within 7 days, which made the deadline 2/22/2022.

The deadline has now passed, and Petitioner has NOT paid the filing fee as ordered by this Court.

Respondent **Emily is disabled. Emily does not have sufficient money to support herself and she has been forced to spend money to defend against Petitioner's frivolous motion and frivolous appeal.**

When a party violates NRAP 40, this Court may impose sanctions against the moving party. NRAP 40(g) and *NRAP* 38. "This court may award damages and attorney's fees to a party aggrieved by an appeal which, like the instant one, is prosecuted in a frivolous manner." *In re Hermann*, 100 Nev. 149, 151, 679 P.2d 246, 247 – 248 (1984). In awarding the aggrieved party their attorney's fees for having to respond to an unsubstantiated petition for rehearing, the Nevada Supreme Court in *Hermann* emphasized that it is "appropriate for us to impose sanctions to deter like dilatory tactics in the future." *Id.*

Given the foregoing, Emily respectfully requests that this Court enter an order sanctioning Petitioner in the amount of \$2,500 and any further relief that the Court deems appropriate under the circumstances.

/s/ Elizabeth Brennan  
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*Attorney for Respondent, Emily Reed*

### **CERTIFICATE OF SERVICE**

The foregoing motion/pleading was electronically served on Amanda Roberts and Denise Gallagher, Co-Counsel for Appellant, on this 23rd day of February, 2022.

/s/ Elizabeth Brennan

an employee of Brennan Law Firm