

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: E. S., A CHILD.

No. 82614

THE STATE OF NEVADA,  
Appellant,  
vs.  
E. S., A CHILD,  
Respondent.

**FILED**

**JAN 19 2022**

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

**ORDER CONDITIONALLY IMPOSING SANCTIONS**

Appellant's counsel, Christopher Arabia and Kirk Vitto, filed the opening brief on October 5, 2021. However, the opening brief was not accompanied by an appendix. See NRAP 30. Therefore, on December 13, 2021, this court entered an order directing appellant's counsel to file and serve the appendix to the opening brief within 7 days.<sup>1</sup> To date, Arabia and Vitto have failed to comply or otherwise communicate with this court.

The failure of Arabia and Vitto to file the appendix to the opening brief warrants the *conditional* imposition of sanctions. Arabia and Vitto shall pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment within 14 days from the date of this order. The conditional sanction will be automatically vacated if the appendix to the opening brief is filed or a motion to extend time that complies with NRAP 31(b)(3) is filed, within the same time period.

If the required document 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 will result in removal of Arabia and Vitto as

<sup>1</sup>A copy of this order is attached.

counsel of record for appellant in this appeal. Further, because it appears that Arabia's and Vitto'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 will also result in their 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: Attorney General/Carson City  
Nye County District Attorney  
Nadine M. Morton  
Christopher R. Arabia  
Kirk Vitto  
Supreme Court Law Librarian

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DEC 13 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER

On October 5, 2021, appellant filed the opening brief. The brief was not accompanied by an appendix. See NRAP 30(e). Accordingly, appellant shall have 7 days from the date of this order to file and serve the appendix. Appellant has a duty to provide this court with an adequate record on appeal. See *Cuzzè v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (providing that appellant's appendix "shall include those . . . portions of the record essential to determination of issues raised in appellant's appeal").

Respondent's motion for a second extension of time to file the answering brief is granted. NRAP 31(b)(3)(B). However, this court cannot file the brief attached to the motion because it is not in compliance with this court's formatting rules. Specifically, the page numbering is incorrect, and the brief does not include a certificate of compliance or a certificate of service. See NRAP 32(a)(4); 32(a)(9); NRAP 25(d). Accordingly, the clerk shall detach the brief from the motion and return it unfiled. Respondent shall have 7 days from the date of this order to file and serve a compliant



answering brief. Failure to comply timely with this order may result in the imposition of sanctions. See NRAP 31(d).

It is so ORDERED.

J. Sanders, C.J.

cc: Attorney General/Carson City  
Nye County District Attorney  
Nadine M. Morton