

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOUR ENTERPRISES, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; MULUGETA BOUR, AN
INDIVIDUAL; AND HILENA
MENGESHA, AN INDIVIDUAL,
Appellants,

vs.

4520 ARVILLE, A CALIFORNIA
GENERAL PARTNERSHIP; AND
MCKINLEY MANOR, AN IDAHO
GENERAL PARTNERSHIP,
Respondents.

No. 83099

FILED

AUG 05 2021

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

***ORDER IMPOSING CONDITIONAL SANCTION AND DIRECTING
APPELLANT TO FILE THE CASE APPEAL STATEMENT***

This appeal was docketed on June 23, 2021. Because the notice of appeal was not accompanied by the case appeal statement, *see* NRAP 3(f)(1) (requiring the case appeal statement to be filed with the notice of appeal), on that same date, this court issued a notice directing appellants' counsel, Rusty Graf, to file the case appeal statement within 10 days and cautioning that failure to file the case appeal statement could result in the imposition of sanctions, including dismissal of the appeal.¹

Because Mr. Graf had not yet filed the case appeal statement, on July 21, 2021, this court issued an order directing Mr. Graf to file the case appeal statement within 7 days.² Mr. Graf was again cautioned that

¹A copy of the notice is attached.

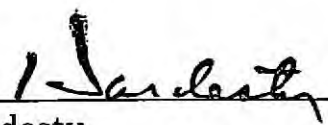
²A copy of the order is attached.


failure to comply could result in the imposition of sanctions. To date, Mr. Graf has failed to file the case appeal statement.

Mr. Graf's continued failure to file the case appeal statement in compliance with the court's procedural rules and the notice and order issued in this appeal warrants the *conditional* imposition of sanctions. Accordingly, Mr. Graf shall, within 14 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. However, these sanctions shall be automatically vacated if Mr. Graf files and serves the case appeal statement within the same time period.

If the case appeal statement 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 may result in the dismissal of this appeal. See NRAP 3(a)(2). Further, because it appears that Mr. Graf'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 Mr. Graf's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

 C. J.
Hardesty

 J.
Parraguirre

 J.
Cadish

cc: Black & Wadhams
Holley Driggs/Las Vegas
Supreme Court Law Librarian

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

BOUR ENTERPRISES, LLC, A NEVADA
LIMITED LIABILITY COMPANY; MULUGETA
BOUR, AN INDIVIDUAL; AND HILENA
MENGESHA, AN INDIVIDUAL,
Appellants,
vs.
4520 ARVILLE, A CALIFORNIA GENERAL
PARTNERSHIP; AND MCKINLEY MANOR,
AN IDAHO GENERAL PARTNERSHIP,
Respondents.

Supreme Court No. 83099
District Court Case No. A794864

NOTICE TO FILE CASE APPEAL STATEMENT - CIVIL

TO: Black & Wadhams \ Rusty Graf

The Clerk of the District Court has informed the Supreme Court of Nevada that your notice of appeal was filed without the required Case Appeal Statement. NRAP 3(a)(3). Please refer to NRAP 3(f) and file the Case Appeal Statement with the Supreme Court Clerk's Office within 10 days from the date of this notice.

Your failure to file the Case Appeal Statement may result in the imposition of sanctions, including the dismissal of this appeal. NRAP 3(a)(2).

DATE: June 23, 2021

Elizabeth A. Brown, Clerk of Court

By: Linda Hamilton
Deputy Clerk

Notification List

Electronic

Black & Wadhams \ Rusty Graf

Holley Driggs/Las Vegas \ F. Thomas Edwards

Steven D. Grierson, Eighth District Court Clerk

Paper

Holley Driggs/Las Vegas \ Jessica M. Lujan

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JUL 21 2021

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

ORDER

When appellants filed the notice of appeal in the district court, it was not accompanied by a case appeal statement. See NRAP 3(f). Accordingly, this court issued a notice directing appellants to file a case appeal statement.

To date, appellants have failed to comply with this court's notice. Appellants shall, within 7 days from the date of this order, file the case appeal statement with the Supreme Court Clerk's Office. Failure to comply timely with this order may result in the imposition of sanctions. See NRAP 3(a)(2).

It is so ORDERED.

J. J. L. J. C.J.

cc: Black & Wadhams
Holley Driggs/Las Vegas