

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLY GOMEZ; EREZ BITTON; AND  
OASIS MOVING AND STORAGE, INC.,  
D/B/A U TRUST MOVING,

Appellants,

vs.

GENARO GOMEZ SANTANA,  
Respondent.

No. 83925

**FILED**

**MAY 13 2022**

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

*ORDER CONDITIONALLY IMPOSING SANCTIONS*

This appeal was docketed in this court on December 16, 2021, without the required case appeal statement. *See* NRAP 3(f)(1). Accordingly, a notice to file the case appeal statement within 7 days was issued to appellants on that same date. When appellants failed to file the case appeal statement, this court entered an order on January 4, 2022, again directing appellants to file the case appeal statement within 7 days. On January 10, 2022, this court entered an order removing the appeal from the settlement program and directing appellants to file the transcript request form within 14 days, and the opening brief and appendix within 90 days. NRAP 9(a)(3), NRAP 14(b), NRAP 31. Additionally, the docketing statement was due to be filed on or before January 18, 2022. Appellants failed to file the case appeal statement, the transcript request form, or the docketing statement within the time frames set by this court. On March 14, 2022, this court issued a notice to appellants directing them to file the docketing statement and transcript request form within 7 days. To date none of these documents has been filed and counsel for appellants have not otherwise communicated with this court. Further, the opening brief and appendix are now overdue.

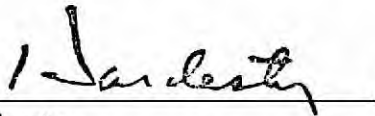
This court has consistently cautioned counsel for appellants, Russell D. Chastain, Thomas E. McGrath, and Cheryl H. Wilson, that

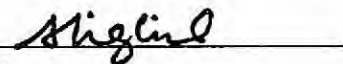
failure to comply with this court's notices and order may result in the imposition of sanctions.

Counsel's continued failure to file the case appeal statement, transcript request form, docketing statement, and opening brief and appendix in compliance with this court's procedural rules and the notices and orders issued in this matter warrants the conditional imposition of sanctions. Mr. Chastain, Mr. McGrath and Ms. Wilson shall each 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 sanctions will be automatically vacated if counsel files and serves the case appeal statement, the transcript request form, the docketing statement, and the opening brief and appendix within the same time period.

If the required documents are not timely filed, the sanctions 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 9(a)(7); NRAP 14(c). Further, because it appears that counsel'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 the referral of Mr. Chastain, Mr. McGrath and Ms. Wilson to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

, J.  
Hardesty

, J.  
Stiglich

HERNDON, J., dissenting:

I respectfully dissent as I believe the procedural history of this case, including the conduct or lack thereof by counsel, warrant dismissal.

 J.

cc: Tyson & Mendes LLP  
Russell D. Chastain  
Thomas E. McGrath  
Cheryl H. Wilson  
De Castroverde Law Group  
Supreme Court Law Librarian