

NO. 83925

FILED

AUG 12 2022

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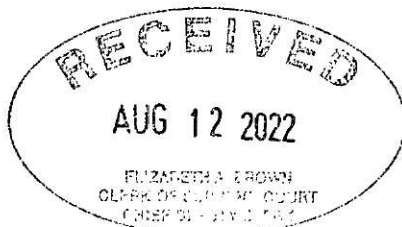
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22-26327

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

AUG 11 2022

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

***ORDER DISMISSING APPEAL AND REFERRING COUNSEL TO THE
STATE BAR OF NEVADA***

This is an appeal from an order affirming the discovery commissioner's report and recommendations. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

On May 13, 2022, this court entered an order conditionally imposing sanctions against attorneys Russell D. Chastain, Thomas E. McGrath, and Cheryl H. Wilson, counsel for appellant, for their failure to file the case appeal statement, the transcript request form, the docketing statement, and the opening brief and appendix within the time frames set by this court. This court directed Mr. Chastain, Mr. McGrath, and Ms. Wilson each to pay the \$250 conditional sanction within 14 days and informed them that the sanctions would be automatically vacated if they filed the missing documents by May 27, 2022. Counsel were cautioned that failure to comply with this court's order or any other filing deadlines could result in the dismissal of this appeal and in counsel's referral to the State Bar for investigation pursuant to SCR 104-105 for violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct).

To-date, none of the documents have been filed, and counsel has not otherwise communicated with this court. We have repeatedly stated that we expect all appeals to be "pursued in a manner meeting high standards of diligence, professionalism, and competence." *Cuzdey v. State*, 103 Nev. 575, 578, 747 P.2d 233, 235 (1987); *accord Polk v. State*, 126 Nev. 180, 184, 233 P.3d 357, 359 (2010); *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003); *State, Nev. Emp't Sec. Dep't v. Weber*, 100 Nev. 121, 123, 676 P.2d 1318, 1319 (1984). It is incumbent upon Mr. Chastain, Mr. McGrath, and Ms. Wilson, as part of their professional obligations of competence and diligence to their clients, to know and comply with all applicable court rules. See RPC 1.1; RPC 1.3. These rules have been implemented to promote cost-effective, timely access to the courts; it is "imperative" that they follow these rules and timely comply with our directives. *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011). Mr. Chastain, Mr. McGrath, and Ms. Wilson are "not at liberty to disobey notices, orders, or any other directives issued by this court." *Id.* at 261 P.3d at 1085. Accordingly, we dismiss this appeal. NRAP 31(d).

Because it appears that Mr. Chastain, Mr. McGrath, and Ms. Wilson's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), we refer them to the State Bar of Nevada for investigation pursuant to SCR 104-105. Bar counsel shall, within 90 days of the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings in this matter.

Finally, the \$250 sanction imposed in our previous order is no longer conditional and must be paid. Mr. Chastain, Mr. McGrath, and Ms. Wilson shall each have 7 days from the date of this order to pay \$250 to the

Supreme Court Law Library and provide the clerk of this court with proof of such payment.

It is so ORDERED.

J. Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Herndon, J.
Herndon

cc: Hon. Carli Lynn Kierny, District Judge
Tyson & Mendes LLP
Russell D. Chastain
Thomas E. McGrath
Cheryl H. Wilson
De Castroverde Law Group
Supreme Court Law Librarian
Bar Counsel, State Bar of Nevada
Eighth District Court Clerk