

IN THE SUPREME COURT OF THE STATE OF NEVADA

RESOURCES GROUP, LLC,
Appellant,
vs.
U.S. BANK NATIONAL ASSOCIATION,
ND,
Respondent.

No. 84992

FILED

DEC 21 2022

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

ORDER

On November 29, 2022, appellant filed a certificate pursuant to NRAP 9(a) that no transcripts will be requested for this appeal. Respondent has filed a "demand for transcript" seeking the production of additional transcripts pursuant to NRAP 9(a)(5). Respondent's counsel represents that appellant failed to confer to reach an agreement on the necessary transcripts, as directed by NRAP 9(a). Appellant has not responded to respondent's demand; accordingly, this court concludes that appellant concedes that respondent's demand has merit. *See Ozawa v. Vision Airlines, Inc.*, 125 Nev. 556, 563, 216 P.3d 788, 793 (2009) (treating a party's failure to respond to an argument as a concession that the argument is meritorious); *Colton v. Murphy*, 71 Nev. 71, 72, 279 P.2d 1036, 1036 (1955) ("such lack of challenge . . . constitutes a clear concession by appellants that there is merit in respondents' position"). The demand is granted to the following extent.

Appellant shall have 7 days from the date of this order to confer with respondent regarding the transcripts necessary for this appeal, *see* NRAP 9(a)(1), and to serve and file, in this court, a file-stamped supplemental transcript request form, *see* NRAP 9(a)(3)(A), (5). In accordance with NRAP 9(a)(5), appellant shall request all transcripts respondent believes are necessary for the resolution of this appeal.

Appellant is responsible for any additional deposit that may be required and, at least initially, the costs of the transcripts. Failure to timely file and serve a supplemental transcript request form may result in the imposition of sanctions. NRAP 9(a)(7). Respondent is cautioned that respondent may be subject to sanctions if it is determined that the requested supplemental transcripts were not necessary for this court's review.

It is so ORDERED.

 C.J.

cc: Law Offices of Michael F. Bohn, Ltd.
McCarthy & Holthus, LLP/Las Vegas