

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
THOMAS JOSEPH HARRIS,
DECEASED.

No. 86096

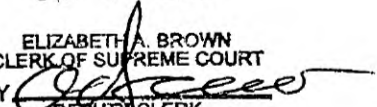
TODD ROBBEN,
Appellant,

vs.

THE ESTATE OF THOMAS JOSEPH
HARRIS; AND THOMAS J. HARRIS
TRUST,
Respondents.

FILED

SEP 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

O R D E R

Appellant has filed a pro se motion for sanctions against respondents and their counsel. Appellant requests that this court strike respondents' briefs and defenses, enter a default, and refer respondents' counsel to the State Bar of Nevada for disbarment based on alleged abusive litigation tactics including fabrication of evidence, discovery abuses, perjury, suborning perjury, fraud, fraud upon the court, judicial deception, delay tactics, and violations of NRCP 11 and 28.2 and RPC 3.3 and 3.5. Appellant also requests that his name be removed from the vexatious litigant order, all judgments against him be set aside, and the vexatious litigant order be set aside. Having considered the motion, respondents' notice of intent to oppose the motion if ordered,¹ appellant's reply, and the

¹Appellant's motion to strike respondents' notice of intent to oppose the motion and/or sanction respondents' counsel for statements made therein is denied.

other documents before this court, the motion is denied.² Respondents' request to file a substantive opposition to appellant's motion if it is not denied on procedural grounds is denied as moot.³

Respondents have filed a notice of abusive litigation tactics and motion for sanctions against appellant as well as a supplement to the notice. Respondents' counsel asserts appellant has sent correspondence to counsel containing veiled threats of violence towards counsel. Counsel requests this court issue sanctions against appellant to prevent abusive and threatening communication and conduct. Attached to the notice and supplements are copies of emails that appear to be from appellant to respondents' counsel.

Appellant's emails to respondents' counsel contain veiled threats and abusive conduct. For example, appellant states "... think you're somehow immune from justice is, well, hmm ... you'll just have to find out. And you will, trust me. You better hope that the court makes the right decision. But whatever happens you will be 'removed' and no longer be able to fuck with others when I am done with you you little fucking puck. You'll see." Appellant also states "bad things happen to people like you Fred ... Very bad things ..." and "[s]uicide looks good now, maybe your only way out Fred. Leave a note so we all know the story of Fred."

²To the extent appellant includes additional argument in the affidavit attached to the motion, that argument is improper and has not been considered.

³Counsel for respondents is advised that any opposition to a motion, including a motion filed by a pro se litigant, is due 7 days after service of that motion unless otherwise ordered by this court. NRAP 27(a)(3)(A). This court will not generally direct the filing of an opposition. If counsel wishes to oppose a motion, he should file an opposition within the time limitation of NRAP 27(a)(3)(A).

Litigants proceeding in pro se are not permitted to threaten or harass opposing counsel and courts are empowered to issue orders requiring that a party cease such conduct. *McCrudden v. DeMarco*, No. 8:22-CV-00407-JDE, 2023 WL 1765907, at *7 (C.D. Cal. Feb. 3, 2023) (collecting cases). Respondents' motion is granted to the following extent. Appellant is directed to refrain from using abusive, threatening, or otherwise inappropriate language when communicating with respondents' counsel or this court. Continued use of abusive or threatening language may result in the imposition of additional sanctions against appellant, up to and including dismissal of this appeal. *See, e.g., Nelson v. Eaves*, 140 F.Supp.2d 319, 322 (S.D.N.Y.2001) (dismissing pro se litigant's complaint with prejudice after he wrote inappropriate and threatening letters to opposing counsel); *Cameron v. Lambert*, 2008 WL 4823596 (S.D.N.Y. Nov. 7, 2008) (granting a sanction of dismissal after pro se plaintiff threatened defense counsel with physical violence and engaged in disturbing behavior during a deposition).

This court has considered appellant's pro se motion for extraordinary relief and ex parte motion to expedite and denies any relief requested therein. Respondents' request for leave or an extension of time to respond to or oppose motions is denied.

It is so ORDERED.

 Shiglin , C.J.

cc: Todd Robben
Wallace & Millsap LLC