

IN THE SUPREME COURT OF THE STATE OF NEVADA

G7P&T, A NEVADA GENERAL  
PARTNERSHIP,

Appellant,

vs.

DOUGLAS R. JOHNSON; DEBRA A.  
JOHNSON; PHILLIP J. ANDREWS;  
JOHNSON INVESTMENT, LLC; JAMD,  
INC.; AND TARKANIAN FAMILY LTD.  
PARTNERSHIP,

Respondents.

No. 45195

**FILED**

**OCT 11 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING MOTION TO RECONSIDER SANCTIONS

On August 16, 2006, this court entered an order sanctioning attorney Daniel J. Tarkanian \$300 for failing to respond to two prior orders issued by this court. Mr. Tarkanian has now moved for reconsideration of the sanction order. The motion for reconsideration addresses two primary issues: Mr. Tarkanian's transfer from active to inactive status with the State Bar while this appeal was pending, and Mr. Tarkanian's failure to respond to this court's two orders regarding the filing of an answering brief. The motion is unopposed.

With respect to the first issue, we have no reason to doubt Mr. Tarkanian's explanation that he inadvertently signed the stipulation to dismiss this case after he transferred to inactive status. Although Mr. Tarkanian's error in signing the stipulation while on inactive status

violated this court's rules,<sup>1</sup> it was not the basis for this court's decision to sanction him. Rather, the sanction was imposed because he failed to respond to two orders issued by this court.<sup>2</sup>

With respect to the second issue, Mr. Tarkanian suggests that the orders were sent to an incorrect address that was included on a service list used by appellant and some of the other respondents. However, this court does not rely on the parties' service lists when sending orders to counsel. Instead, this court uses an automated case management system that includes addresses for all licensed Nevada attorneys, and the envelope in which an order is mailed is generated automatically using that case management system. That database was updated with Mr. Tarkanian's correct address (3008 Campbell Circle, Las Vegas, NV, 89107-3214) in August 2005—shortly after he moved to that address. And the two orders with which he did not comply were entered after that address change—in February and March 2006. Neither order was returned to this court as undeliverable. Although it appears that Mr. Tarkanian did not act in bad faith in failing to respond to the two prior orders, those orders were sent to the correct address, and Mr. Tarkanian failed to respond to the orders or communicate with this court until after the sanction order

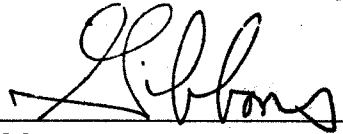
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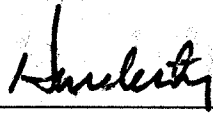
<sup>1</sup>See NRAP 25(1)(e); NRAP 46(a).

<sup>2</sup>G7P&T v. Johnson, Docket No. 45195 (Order Imposing Sanctions, at 2, August 16, 2006) ("Mr. Tarkanian's continuing failure to comply with orders of this court has resulted in this court's valuable resources being wasted and warrants the imposition of monetary sanctions.").

was filed.<sup>3</sup> The monetary sanction in this case is appropriate given the circumstances. Accordingly, we deny the motion for reconsideration.

It is so ORDERED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Harrison Kemp & Jones, LLP  
McDonald Carano Wilson LLP/Las Vegas  
Daniel J. Tarkanian  
Jimmerson Hansen  
Kathleen Harrington, Supreme Court Law Library

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<sup>3</sup>We note that the August 16, 2006, sanction order was also sent to the Campbell Circle address, this time by regular and certified mail. The order sent by regular mail was not returned as undeliverable. The order sent by certified mail was returned by the U.S. Postal Service with a notation that it was unclaimed and could not be forwarded. A copy of the returned envelope is attached to this order.

<sup>4</sup>The Honorable A. William Maupin, Justice, did not participate in the resolution of this motion due to illness.

COURT OF THE STATE OF NEVADA

No. 45195

**FILED**

**AUG 16 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ant,  
BRA A.  
REWS;  
LC; JAMD,  
ILY LTD.

idents.

LOSING SANCTIONS AND  
PULATION TO DISMISS APPEAL

ocketed in this court on May 6, 2005. The  
panying the notice of appeal identified  
Family Ltd. Partnership (JAMD) as  
d further identified Daniel J. Tarkanian as  
ptice of appeal and case appeal statement

Accordingly, Mr. Tarkanian was listed on  
to JAMD and all notices and orders issued  
Mr. Tarkanian.

2006, this court entered an order granting  
nd respondents Douglas R. Johnson, Debra  
s and Johnson Investment, LLC (Johnson  
of time to file the answering brief of the

eting statement filed on May 25, 2005,  
ounsel for JAMD and was served on Mr.

Tarkanian.

1494  
SUPREME COURT OF NEVADA  
OFFICE OF THE CLERK  
201 S. Carson Street, Suite 201  
Carson City, Nevada 89701-4702

Press Service Requested

45195  
order filed 8-16-06  
returned and notice 8-25-06  
NAME *8/19/06*  
address. *sy 9-11-06*

**RECEIVED**

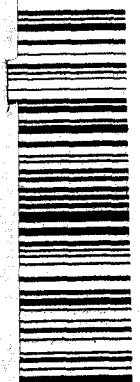
SEP 11 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK  
89701-04780

DANIEL J. TARKANIAN  
3008 CAMPBELL CIRCLE  
LAS VEGAS NV 89107  
UNCL 14

RETURN RECEIPT REQUESTED

1455 EETO 1621 5254 9012



NIXIE

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39 09/09/06

RETURN TO SENDER  
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BC: 89701478051

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AUG 16 2006  
MAILED FROM ZIP CODE 89701

**\$ 04.64<sup>0</sup>**

SUPREME COURT  
OF  
NEVADA

(C) 1947A

06-17111