

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**

**AUG 16 2006**

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

ORDER IMPOSING SANCTIONS AND  
DISAPPROVING STIPULATION TO DISMISS APPEAL

This appeal was docketed in this court on May 6, 2005. The case appeal statement accompanying the notice of appeal identified JAMD, Inc. and Tarkanian Family Ltd. Partnership (JAMD) as respondents to this appeal and further identified Daniel J. Tarkanian as JAMD's counsel. Both the notice of appeal and case appeal statement were served on Mr. Tarkanian.<sup>1</sup> Accordingly, Mr. Tarkanian was listed on this court's docket as counsel for JAMD and all notices and orders issued by this court were served on Mr. Tarkanian.

On February 15, 2006, this court entered an order granting the joint motion of appellant and respondents Douglas R. Johnson, Debra A. Johnson, Philip J. Andrews and Johnson Investment, LLC (Johnson respondents) for an extension of time to file the answering brief of the

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<sup>1</sup>Additionally, the docketing statement filed on May 25, 2005, identified Mr. Tarkanian as counsel for JAMD and was served on Mr. Tarkanian.

Johnson respondents. Our February 15, 2006, order stated that JAMD had neither moved for nor been granted an extension of time to file its answering brief, and directed JAMD to file and serve its answering brief by February 22, 2006.

JAMD failed to timely file its answering brief pursuant to our February 15, 2006, order, or to otherwise communicate with the court. Accordingly, on March 24, 2006, we entered an order directing JAMD to file and serve an answering brief, or a joinder in the answering brief filed by Johnson respondents, or a notice that it did not intend to file an answering brief, by April 3, 2006. Our March 24, 2006, order cautioned Mr. Tarkanian that failure to comply timely with our order might result in the imposition of sanctions against him. To date, Mr. Tarkanian has failed to comply with our March 24, 2006, order.

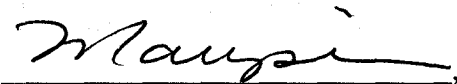

Mr. Tarkanian's continuing failure to comply with orders of this court has resulted in this court's valuable resources being wasted and warrants the imposition of monetary sanctions. See Hansen v. Universal Health Servs., 112 Nev. 1245, 924 P.2d 1345 (1996). Mr. Tarkanian shall have 15 days from the date of this order to personally pay the sum of \$300.00 to the Supreme Court Law Library. Within that same time period, Mr. Tarkanian shall file proof of such payment with the clerk of this court. Failure to comply timely with these directives may result in the imposition of additional sanctions, including further monetary sanctions and referral to the State Bar of Nevada for investigation pursuant to SCR 105.

On May 17, 2006, the parties filed a stipulation to dismiss this appeal. The stipulation was signed by all counsel in this appeal, including Mr. Tarkanian. We have been informed by the State Bar of Nevada that

Mr. Tarkanian was placed on inactive status with the State Bar on March 6, 2006. It appears that Mr. Tarkanian has not been reinstated to active status with the State Bar of Nevada. See NRAP 25(1)(e) (all documents submitted to the Supreme Court for filing by a represented party shall include the original signature of at least 1 attorney of record who is an active member of the State Bar of Nevada); NRAP 46(a) (no person may practice before the Supreme Court who is not an active member of the State Bar of Nevada except as provided in SCR 42).

Further, the stipulation to dismiss this appeal purports to dismiss this appeal "without prejudice." While parties may agree to voluntarily dismiss an appeal, see NRAP 42(b), this court will only dismiss an appeal with prejudice. Once this court has dismissed an appeal, it may not be reinstated. Because the stipulation appears not to have been signed by an active member of the State Bar of Nevada on behalf of JAMD and because it purports to dismiss this appeal with prejudice, we disapprove the stipulation. Appellant shall have 10 days from the date of this order to file an appropriate motion or stipulation to dismiss this appeal or otherwise inform this court of the status of this appeal. We caution appellant that failure to timely comply with this order may result in the dismissal of this appeal as abandoned.

It is so ORDERED.

 J.  
Maupin  
 J.  
Gibbons

HARDESTY, J., dissenting:

I agree that Mr. Tarkanian's continuing disregard of this court's orders warrants the imposition of monetary sanctions and that the stipulation to dismiss this appeal must be disapproved. However, I respectfully dissent to this order to the extent that I believe Mr. Tarkanian's conduct should be referred to the State Bar of Nevada for investigation. Pursuant to SCR 98(4) and (6), any member of the State Bar may be enrolled as an inactive member at the member's written request. Further, "[n]o member of the state bar actively engaged in the practice of law in this state . . . shall be enrolled as an inactive member." SCR 98(4); see also NRAP 46(a) (no person may practice before the Supreme Court who is not an active member of the State Bar of Nevada). It appears that Mr. Tarkanian requested to be enrolled as an inactive member of the State Bar while he was actively engaged in the practice of law by representing JAMD in this appeal and while he was subject to an order to file documents in this court. Further, it appears that Mr. Tarkanian may have signed the stipulation to dismiss this appeal while he was enrolled as an inactive member of the state bar, contrary to our appellate rules. See NRAP 25(1)(e); NRAP 46(a). I would refer this matter to the State Bar of Nevada for an investigation pursuant to SCR 105.

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

cc: Harrison Kemp & Jones, LLP  
McDonald Carano Wilson LLP/Las Vegas  
Daniel J. Tarkanian  
Supreme Court Law Librarian