

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIELLE SHERIDAN, F/K/A  
DANIELLE BLOMQUIST,  
Appellant,  
vs.  
JAMES BLOMQUIST,  
Respondent.

No. 53389

**FILED**

**SEP 21 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order concerning child custody.

Currently before this court is respondent's July 23, 2009, "Suggestion of Death on the Record." In this document, respondent asserts that appellant is now deceased and as this appeal concerns a district court order modifying child custody, there is no party that could be substituted to assert appellant's parental rights. Thus, respondent requests that this appeal be dismissed. Appellant failed to respond to this document. Having considered this request, we grant it and hereby dismiss this appeal.

When this appeal was docketed on March 10, 2009, we mailed appellant a docketing statement form, which was to be completed and returned to this court within 15 days. Since that date, appellant was directed on two separate occasions to file the docketing statement, in an April 6, 2009, notice and in a May 7, 2009, order. The May 7 order also reinstated briefing and gave appellant ten days to comply with NRAP 3E(c)'s provisions concerning requesting transcripts and 40 days to file and serve the fast track statement and appendix. In the May 7 order, we

cautioned appellant that failure to comply with its terms could result in the imposition of sanctions.

Thereafter, appellant submitted a docketing statement, which was returned unfiled on May 20, 2009, due to its deficiencies. At that time, we directed appellant's counsel to file a corrected docketing statement within ten days. Then, as no transcript request form or certificate that no transcripts would be requested had been filed, on May 26, 2009, we issued a notice giving appellant ten days from that date within which to comply with NRAP 3E(c).

On June 8, 2009, appellant untimely filed a new docketing statement.<sup>1</sup> Because the June 8 docketing statement remained insufficient, on July 2, 2009, we struck the document and directed appellant to file and serve a properly completed docketing statement no later than July 8, 2009. In the July 2 order, we also ordered appellant to file a request for transcripts by July 8 and her fast track statement and appendix no later than July 13, 2009. Our July 2 order further directed appellant's counsel, Aaron Grigsby, to pay \$500 as a sanction for his repeated failures to comply with this court's directives. See Sheridan v. Blomquist, Docket No. 53389 (Order Striking Docketing Statement and Imposing Sanctions, July 2, 2009). Proof of payment of the sanction was due by July 17, 2009. Finally, the July 2 order cautioned Mr. Grigsby that

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<sup>1</sup>Even though appellant's docketing statement indicates that it was mailed on June 4 and thus considered filed on that date, see NRAP 25(1)(a)(i) (providing that a document is considered filed on the date it is mailed to the clerk of this court), and this court docketed appellant's document on June 8, appellant's docketing statement was due on June 1. Thus, it was untimely.

failure to timely comply with the order may result in the imposition of additional sanctions, including counsel's referral to the State Bar.

Although appellant timely responded to the July 2 order by filing a request for transcripts and docketing statement, neither document contained a certificate of service indicating that respondent was served with a copy. Thus, on July 9, 2009, we issued a notice to provide proof of service on respondent for those two documents. Proof of service was due in this court by July 20, 2009. To date, appellant has failed to provide this court with proof that respondent was served with a copy of the request for transcripts or docketing statement. As it relates to the \$500 sanction due to the Supreme Court Law Library and proof due to this court by July 17, 2009, Mr. Grigsby has failed to pay this sanction or provide proof to this court that the sanction has been paid.

To date, Mr. Grigsby has failed to comply or otherwise respond to this court's notices, orders, or procedural rules. Given Mr. Grigsby's repeated failure to comply, we refer Mr. Grigsby to the State Bar of Nevada for investigation and appropriate disciplinary action.<sup>2</sup> 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.

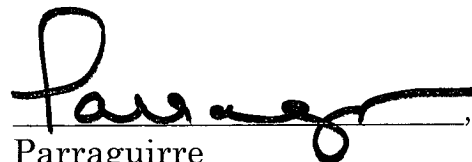
We advise Mr. Grigsby that our referral of him to the State Bar does not relieve him of his obligation to pay the \$500 sanction to the Supreme Court Law Library. Thus, the \$500 sanction imposed in our July 2 order remains in effect. Accordingly, Mr. Grigsby is required to submit

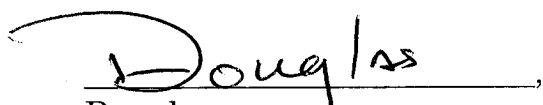
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<sup>2</sup>The clerk of this court shall provide bar counsel with copies of this court's April 6, May 20, May 26, and July 9, 2009, notices and the May 7 and July 2, 2009 orders.

the \$500 payment to the Supreme Court Law Library. Verification of payment for the \$500 sanction shall be addressed through the State Bar's investigation and disciplinary proceedings.

It is so ORDERED.

  
Parraguire, J.

  
Douglas, J.

  
Pickering, J.

cc: Hon. Robert Teuton, District Judge, Family Court Division  
Aaron Grigsby  
Blake A. Field  
Eighth District Court Clerk  
Kathleen Harrington, Supreme Court Law Librarian  
Rob W. Bare, Bar Counsel