

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: ESTATE OF NOLAN
KLEIN

No. 57259

TONJA BROWN,
Appellant,

vs.

WASHOE COUNTY DISTRICT ATTORNEY;
PARDON BOARD; AND ATTORNEY
GENERAL,
Respondents.

FILED

APR 26 2011

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order denying the Estate of Nolan Klein's petition for a writ of mandamus.

The notice of appeal was signed by the Estate of Nolan Klein's nonlawyer executrix, Tonja Brown. Respondents have now filed a motion to strike the notice of appeal, arguing that Brown could not legally file a notice of appeal as the executrix of the Estate. Brown has opposed the motion maintaining in relevant part that she is not only executrix of the Estate, but an heir, and thus, is representing her interests in this appeal. Brown further maintains that during various filings in the district court, she was never told that the court required an attorney to represent the Estate. Respondents have filed a reply, arguing that although Brown may be the executrix of the Estate and an heir, she is not the Estate and cannot as a layperson serve as an attorney for the Estate. Respondents further note that the Estate was represented by counsel during oral argument on the writ petition and that the district court never approved Brown's unauthorized practice of law.

In Salman v. Newell, this court held that "no rule or statute permits a [nonlawyer] to represent any other person, a company, a trust,

or any other entity” in either the district court or this court. 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994). Additionally, an entity such as a trust may not proceed in proper person before this court. See id.; Guerin v. Guerin, 116 Nev. 210, 214, 993 P.2d 1256, 1258 (2000).

Here, Brown, a nonlawyer and executrix of the Estate, has filed a notice of appeal on behalf of the Estate. As Brown cannot represent the Estate in this court, her notice of appeal is the product of the unauthorized practice of law and it fails to confer jurisdiction on this court. Guerin, 116 Nev. 210, 993 P.2d 1256. Thus, we grant respondents’ motion to strike, and direct the clerk of this court to strike the notice of appeal in this matter. Accordingly, as we lack jurisdiction, we dismiss this appeal.¹

It is so ORDERED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

¹Brown has filed a sur-reply, and respondents have filed a motion to strike the sur-reply. We grant the motion to strike, as a party seeking to file a sur-reply should generally seek permission to do so through a properly filed motion. See NRAP 27. Accordingly, we direct the clerk of this court to strike Brown’s sur-reply, which was filed on February 16, 2011.

Brown’s “motion to request respondents to notify appellant by certified mail of any filings filed in the above entitled action” is denied as moot.

cc: Hon. Patrick Flanagan, District Judge
Tonja Brown
Attorney General/Carson City
Attorney General/DMV/Carson City
Washoe County District Attorney/Civil Division
Washoe District Court Clerk