

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD TATE, SPECIAL  
ADMINISTRATOR FOR THE ESTATE  
OF JAMES S. TATE, JR., M.D.,

Appellant,

vs.

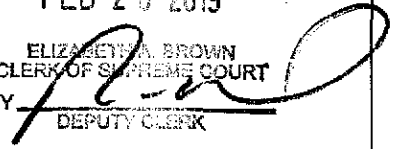
THE STATE OF NEVADA, BOARD OF  
MEDICAL EXAMINERS,

Respondent.

No. 73510

**FILED**

FEB 26 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order granting in part and denying in part a petition for judicial review of a decision of the State Board of Medical Examiners. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

This appeal was docketed on July 20, 2017. Appellant's current counsel filed a notice of appearance on March 20, 2018, after the untimely death of appellant's former counsel. On October 12, 2018, this court issued an order removing this appeal from the settlement program and reinstating briefing. That order directed appellant's counsel to file a transcript request form within 15 days and the opening brief and appendix within 90 days. When counsel failed to file the transcript request form, this court issued a notice on January 8, 2019, directing counsel to file a transcript request form within 10 days. On January 25, 2019, counsel filed an untimely motion for an extension of time to file a transcript request form,<sup>1</sup> stating that he needed more time to "establish a connection with the family members [of appellant],

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<sup>1</sup>Counsel's motion did not state the length of the requested extension and the date on which the transcript request form would become due. *Cf.* NRAP 31(b)(3)(A)(v).

and then see how they wish to proceed in this case.” Despite its untimeliness, this court issued an order granting the motion and directing appellant’s counsel to file a transcript request form within 5 days and the opening brief and appendix within 30 days.

Counsel for appellant has now filed a second untimely motion for an extension of time to file a transcript request form, citing the same reasons put forth in his prior motion. Respondent opposes the motion and moves to dismiss this appeal pursuant to NRAP 9(a)(7) for failure to file a transcript request form or a certificate that no transcripts will be requested. See NRAP 27(a)(3)(B). Counsel for appellant has not filed a response to the motion to dismiss.

Appellant’s counsel has been counsel in this appeal at least since March 20, 2018, the date he filed a notice of appearance. He was initially directed to file the transcript request form or a certificate of no transcript request on October 12, 2018. To date, counsel has failed to comply. Counsel’s failure to file a transcript request form has further delayed this appeal because the preparation of any requested transcripts bears directly on the time within which the opening brief and appendix can be filed. Accordingly, respondent’s motion is granted and we

ORDER this appeal DISMISSED.

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

Cadish, J.  
Cadish

cc: Hon. Jennifer P. Togliatti, District Judge  
Lansford W. Levitt, Settlement Judge  
Brandon L. Phillips, Attorney At Law, PLLC  
State Board of Medical Examiners  
Richard Tate  
Eighth District Court Clerk