

IN THE SUPREME COURT OF THE STATE OF NEVADA

1916 HIGHLAND PROPERTIES, LTD.,
A NEVADA LIMITED PARTNERSHIP;
AND RG HIGHLAND ENTERPRISES,
INC., A NEVADA CORPORATION,
D/B/A HIGHLAND MEDICAL,

Appellants,

vs.

THE STATE OF NEVADA
DEPARTMENT OF
TRANSPORTATION,

Respondent.

No. 78370

FILED

SEP 27 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

On August 8, 2019, this court entered an order imposing conditional sanctions against appellants' counsel, Amy Sugden and Brian Padgett, for failure to file the transcript request form, and the opening brief and appendix. The order directed Ms. Sugden and Mr. Padgett to file and serve the transcript request form, and opening brief and appendix, or a motion for extension of time, by August 22, 2019. If Ms. Sugden and/or Mr. Padgett timely filed these documents, the monetary sanction imposed would be automatically vacated. The order cautioned that failure to comply could result in further sanctions, including the dismissal of this appeal.¹

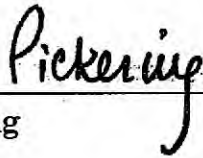
On August 14, 2019, appellants' counsel filed a notice of substitution indicating that Ms. Sugden would continue to represent appellants, and that Mr. Padgett would no longer be counsel of record. On that same date, Ms. Sugden filed the transcript request form. However, to date, Ms. Sugden has failed to file the opening brief and appendix, or to

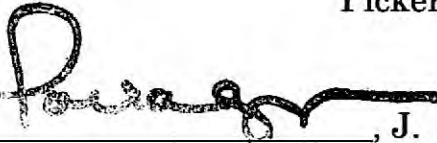
¹A copy of this order is attached.

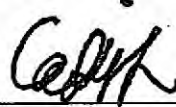
otherwise communicate with this court. Accordingly, this appeal is dismissed.

Additionally, the monetary sanction in this court's August 8, 2019, order is no longer conditional and must be paid. Ms. Sugden shall have 14 days from the date of this order to pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment.² Failure to comply will result in Ms. Sugden's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Susan Johnson, District Judge
Persi Mishel, Settlement Judge
Amy L. Sugden
Attorney General/Carson City
Attorney General/Transportation Division/Las Vegas
Eighth District Court Clerk

²As Mr. Padgett is no longer counsel of record for appellants, the conditional sanction imposed against him is vacated.

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**ORDER REGARDING COUNSEL AND CONDITIONALLY
IMPOSING SANCTIONS**

The notice of appeal was filed in the district court on March 13, 2019, by attorney Amy Sugden of the Law Offices of Brian C. Padgett. The case appeal statement filed in conjunction with the notice of appeal lists Ms. Sugden and Mr. Padgett as counsel of record for appellants. Accordingly, both were listed as counsel of record for appellants on this court's docket. It appears that Ms. Sugden is no longer associated with the Law Offices of Brian C. Padgett, and the attorneys are in disagreement as to who is counsel of record for appellants. However, neither attorney has filed a proper motion to withdraw or to substitute counsel. Therefore, both Ms. Sugden and Mr. Padgett shall remain as counsel of record for appellants in this appeal.

On April 29, 2019, this court entered an order directing appellants' counsel to file and serve a transcript request form or certificate

that no transcripts are to be requested by May 12, 2019.¹ NRAP 9(a). When counsel failed to comply, on July 10, 2019, this court again directed counsel to file a transcript request form or certificate that no transcript is requested by July 24, 2019.² To date appellants' counsel, Ms. Sugden and Mr. Padgett, have not filed the required documents. Additionally, the opening brief and appendix are now overdue.

Appellants' failure to file the transcript request form and the opening brief and appendix in compliance with this court's procedural rules and the orders issued in this matter warrants the *conditional* imposition of sanctions. Accordingly, Ms. Sugden and Mr. Padgett shall, within 14 days from the date of this order, each pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment. However, these sanctions shall be automatically vacated if Ms. Sugden and/or Mr. Padgett files and serves the transcript request form and the opening brief and appendix or, alternatively, a motion to extend time, within the same time period.³ If the required documents are not timely filed, the sanction will no longer be conditional and must be paid. Further, because it appears that Ms. Sugden's and Mr. Padgett's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), failure to comply with this order or any other filing deadlines may result in Ms. Sugden's and Mr. Padgett's referral to the State Bar of

¹A copy of this order is attached.

²A copy of this order is attached.

³Any motion for extension of time shall explain the reasons for appellants' failure to file the missing documents in a timely manner and shall set forth sufficient cause for the requested extension of time.

Nevada for investigation pursuant to SCR 104-105, and in the dismissal of this appeal.

It is so ORDERED.

Pickering *Pickering*, J.

Parraguirre *Parraguirre*, J.

Cadish *Cadish*, J.

cc: Amy L. Sugden
Law Offices of Brian C. Padgett
Brian C. Padgett
Attorney General/Carson City
Attorney General/Transportation Division/Las Vegas
Supreme Court Law Librarian