

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK HAMILTON,
Appellant,
vs.
BRENDON PIPER; AND DRYVERLESS
ADS LLC,
Respondents.

No. 78464

FILED

OCT 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order granting injunctive relief. Counsel for appellant has filed a suggestion of death on the record pursuant to NRAP 43 informing this court that appellant passed away on September 22, 2019. Counsel for appellant further states that appellant's family informed her that he does not have an estate and no probate will be opened. Appellant's counsel informs this court that appellant has no personal representative, and seeks guidance on how to proceed.

Upon the death of a party, an action may not proceed until a personal representative is substituted for the decedent. *See Walker v. Burkham*, 68 Nev. 250, 253-54, 229 P.2d 158, 160 (1951). If no personal representative is substituted within a reasonable time from the suggestion of decedent's death on the record, then the action will be dismissed. *See Brass v. State*, 129 Nev. 527, 530, 306 P.3d 393, 394-95 (2013). As counsel

has stated that decedent has no personal representative, this appeal is dismissed.

It is so ORDERED.¹

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Robison, Sharp, Sullivan & Brust
Brendon Piper

¹Appellant's motion for an extension of time to file the opening brief and appendix is denied as moot.