

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAUREN BETH BIERSTEDT, N/K/A
LAUREN ANDERSON,

Appellant,

vs.

JOEL BIERSTEDT,

Respondent.

No. 82858

FILED

JUL 29 2021

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

*ORDER DISMISSING APPEAL AND REFERRING COUNSEL TO THE
STATE BAR OF NEVADA FOR INVESTIGATION*

On July 8, 2021, this court entered an order conditionally imposing sanctions against attorney Alex B. Ghibaudo, counsel for appellant, for his failure to file both the case appeal statement and docketing statement.¹ We directed Mr. Ghibaudo to pay the \$250 conditional sanction within 14 days and informed him that the sanction would be automatically vacated if he filed the case appeal statement and docketing statement or a motion for extension of time by July 22, 2021. Mr. Ghibaudo was cautioned that failure to comply with our order or other filing deadlines could result in the dismissal of this appeal. We further cautioned that failure to comply could result in Mr. Ghibaudo's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105 for violations of RPC 1.3(diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct).

To date, Mr. Ghibaudo has not filed the case appeal statement or the docketing statement. Accordingly, the sanction is no longer conditional and must be paid. Mr. Ghibaudo shall have 7 days from the date of this order to pay \$250 to the Supreme Court Law Library and provide the clerk of this court with proof of such payment. We dismiss this

¹A copy of the order is attached.

appeal, and we refer Mr. Ghibaudo to the State Bar of Nevada for investigation.

It is so ORDERED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. Dawn Throne, District Judge, Family Court Division
Israel Kunin, Settlement Judge
Alex B. Ghibaudo, PC.
Karen A. Connolly, Ltd.
Supreme Court Law Librarian
State Bar of Nevada
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAUREN BETH BIERSTEDT, N/K/A
LAUREN ANDERSON,

Appellant,

vs.

JOEL BIERSTEDT,

Respondent.

No. 82858

FILED

JUL 08 2021

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

***ORDER IMPOSING CONDITIONAL SANCTION AND
DIRECTING APPELLANT TO FILE DOCUMENTS***

This appeal was docketed on May 6, 2021. The notice of appeal was not accompanied by the case appeal statement. See NRAP 3(f)(1) (requiring the case appeal statement to be filed with the notice of appeal). Accordingly, this court issued a notice to file the case appeal statement, which cautioned that failure to file the case appeal statement could result in the imposition of sanctions, including the dismissal of the appeal.¹ See NRAP 3(a)(2). On May 20, 2021, this court issued a notice rejecting the case appeal statement as untimely filed and directing appellant to resubmit the case appeal statement with an accompanying motion for extension of time.² Because appellant failed to file the case appeal statement and accompanying motion for extension of time, on May 27, 2021, this court entered an order directing appellant to file the overdue case appeal statement within 7 days.³ Appellant was again cautioned that failure to comply could result in the imposition of sanctions. On June 7, 2021,

¹A copy of the notice is attached.

²A copy of the notice is attached.

³A copy of the order is attached.

appellant resubmitted the case appeal statement. However, because it was not accompanied by a motion for an extension of time to file the document, it was again rejected and a notice was issued on June 8, 2021, directing appellant to resubmit the document with an accompanying motion for extension of time within 5 days from the date of the notice.⁴ To date appellant's counsel, Alex B. Ghibaudo, has failed to timely file the case appeal statement.

Additionally, on May 13, 2021, this court issued a notice referring this case to the settlement program and directing appellant to file the docketing statement within 21 days from the date of the notice.⁵ To date, Mr. Ghibaudo has not filed the docketing statement. See NRAP 14(b).

Mr. Ghibaudo's failure to file documents in this appeal in compliance with the court's procedural rules and the notices and order issued in this appeal warrants the *conditional* imposition of sanctions. Accordingly, Mr. Ghibaudo shall, within 14 days from the date of this order, pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment. However, this sanction shall be automatically vacated if Mr. Ghibaudo files and serves the case appeal statement and docketing statement, accompanied by a motion for an extension of time, within the same time period. If these documents are not timely filed, the sanction will no longer be conditional and must be paid.

Failure to comply timely with this order or any other filing deadlines may result in the further imposition of sanctions, including dismissal of this appeal. See NRAP 3(a)(2) and NRAP 14(c). Further, because it appears that Mr. Ghibaudo's conduct in this appeal may

⁴A copy of the notice is attached.

⁵A copy of the notice is attached.

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 also result in his referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Israel Kunin, Settlement Judge
Alex B. Ghibaudo, PC.
Karen A. Connolly, Ltd.
Supreme Court Law Library

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

LAUREN BETH BIERSTEDT, N/K/A LAUREN
ANDERSON,
Appellant,
vs.
JOEL BIERSTEDT,
Respondent.

Supreme Court No. 82858
District Court Case No. D440918

NOTICE TO FILE CASE APPEAL STATEMENT - CIVIL

TO: Alex B. Ghibaudo, PC. \ Alex B. Ghibaudo

The Clerk of the District Court has informed the Supreme Court of Nevada that your notice of appeal was filed without the required Case Appeal Statement. NRAP 3(a)(3). Please refer to NRAP 3(f) and file the Case Appeal Statement with the Supreme Court Clerk's Office within 10 days from the date of this notice.

Your failure to file the Case Appeal Statement may result in the imposition of sanctions, including the dismissal of this appeal. NRAP 3(a)(2).

DATE: May 06, 2021

Elizabeth A. Brown, Clerk of Court

By: Linda Hamilton
Deputy Clerk

Notification List

Electronic

Alex B. Ghibaudo, PC. \ Alex B. Ghibaudo
Karen A. Connolly, Ltd. \ Karen A. Connolly
Steven D. Grierson, Eighth District Court Clerk

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

LAUREN BETH BIERSTEDT, N/K/A LAUREN
ANDERSON,
Appellant,
vs.
JOEL BIERSTEDT,
Respondent.

Supreme Court No. 82858
District Court Case No. D440918

NOTICE OF REJECTION OF FILED DOCUMENT

TO: Alex B. Ghibaudo, PC. \ Alex B. Ghibaudo

The document you filed is being rejected for the following reason(s):

Document entitled "Case Appeal Statement" is untimely and must be accompanied by a motion for extension of time.

DATE: May 20, 2021

Elizabeth A. Brown, Clerk of Court

By: Monique Mercier
Deputy Clerk

Notification List

Electronic
Karen A. Connolly, Ltd. \ Karen A. Connolly
Israel Kunin, Settlement Judge

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAUREN BETH BIERSTEDT, N/K/A
LAUREN ANDERSON,

Appellant,

vs.

JOEL BIERSTEDT,

Respondent.

No. 82858

FILED

MAY 27 2021

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

**ORDER DIRECTING APPELLANT TO FILE
OVERDUE CASE APPEAL STATEMENT**

When appellant filed the notice of appeal in the district court, it was not accompanied by a case appeal statement. See NRAP 3(f). Accordingly, this court issued a notice directing appellant to file a case appeal statement.

On May 20, 2021, this court issued a notice of rejection of the untimely case appeal statement filed May 19, 2021, directing appellant to resubmit with an accompanying motion for extension of time. To date, appellant has failed to comply with this court's notice. Therefore, appellant shall, within 7 days from the date of this order, file the case appeal statement with the Supreme Court Clerk's Office. Failure to comply timely with this order may result in the imposition of sanctions. See NRAP 3(a)(2).

It is so ORDERED.

L. Vandenberg, C.J.

cc: Israel Kunin, Settlement Judge
Alex B. Ghibaudo, PC.
Karen A. Connolly, Ltd.

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

**LAUREN BETH BIERSTEDT, N/K/A LAUREN
ANDERSON,
Appellant,
vs.
JOEL BIERSTEDT,
Respondent.**

**Supreme Court No. 82858
District Court Case No. D440918**

NOTICE OF REJECTION OF FILED DOCUMENT

TO: Alex B. Ghibaudo, PC. \ Alex B. Ghibaudo

The document you filed is being rejected for the following reason(s):

Document entitled "Case Appeal Statement" is untimely and must be accompanied by a motion for extension of time.

Please re-file the document within 5 days of the date of this notice.

DATE: June 08, 2021

Elizabeth A. Brown, Clerk of Court

**By: Dana Richards
Deputy Clerk**

Notification List

Electronic

**Karen A. Connolly, Ltd. \ Karen A. Connolly
Israel Kunin, Settlement Judge**

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

**LAUREN BETH BIERSTEDT, N/K/A LAUREN
ANDERSON,
Appellant,
vs.
JOEL BIERSTEDT,
Respondent.**

**Supreme Court No. 82858
District Court Case No. D440918**

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION
OF RULES**

**TO: Alex B. Ghibaudo, PC. \ Alex B. Ghibaudo
Karen A. Connolly, Ltd. \ Karen A. Connolly**

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 21 days of the date of this notice. This timeline is not stayed by this notice.

DATE: May 13, 2021

Elizabeth A. Brown, Clerk of Court

**By: Joan Hendricks
Settlement Program Officer**

Notification List

Electronic

**Alex B. Ghibaudo, PC. \ Alex B. Ghibaudo
Karen A. Connolly, Ltd. \ Karen A. Connolly**