

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY ALLEN REED,
Appellant,
vs.
ALECIA ANN REED, N/K/A ALECIA
ANN DRAPER; AND ALECIA ANN
DRAPER, AS CONSERVATOR OF
EMILY REED,
Respondents.

No. 82575

FILED

JAN 28 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a postjudgment order setting child support and reducing child support arrears to judgment. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.

Respondent Alecia Ann Reed has filed a motion to dismiss the appeal and for sanctions based on appellant's repeated failures to adhere to this court's rules of procedure and appellant's failure to submit an appropriate appendix. The motion was served electronically on appellant's counsel on December 20, 2021. To date, appellant has not responded to the motion.

This appeal was docketed on March 3, 2021. Appellant failed to timely file the docketing statement. When appellant did finally submit the docketing statement for filing, it was rejected because it did not contain the required documents. Thereafter, appellant filed a compliant docketing statement. Appellant has twice attempted to file a transcript request form

and both times, the submitted document was rejected as nonconforming. To date, appellant has failed to file a transcript request form as required by NRAP 9. Appellant obtained a 90-day extension of time to file the opening brief and appendix and requested a second 45-day extension, which this court denied for lack of cause. Subsequently, appellant filed the opening brief and appendix and, upon review of the appendix, this court confirms that the problems listed by respondent do create difficulties in referring to the appendix. The appendix contains non-conforming copies of trial exhibits, the bates-stamp numbers are inconsistent with the trial court record and make cross-referencing the citations difficult, certain documents that are relevant to the appeal are not included, the index of documents does not conform to the actual documents, and citations in the brief do not correlate with documents in the appendix.

The failure of a party to comply with this court's orders and rules of procedure deprives the parties of a prompt resolution of their case. *See Dougan v. Gustaveson*, 108 Nev. 517, 523, 835 P.2d 795, 799 (1992) (recognizing this court's commitment to the proposition that "justice delayed is justice denied"). Consequently, this court has declared in the Nevada Rules of Appellate Procedure that the failure to pay the filing fee, or to file a case appeal statement, docketing statement, transcript request form, transcripts, or briefs in a timely manner, may be grounds for the imposition of sanctions, including dismissal of an appeal. *See* NRAP 3(a); NRAP 9(a)(3); NRAP 13(b); NRAP 14(c). Additionally, appellant has failed to respond in any way to respondent's allegations. This court has generally recognized that failure to oppose a motion may constitute a concession that the motion is meritorious. *See Spencer v. Klementi*, 136

Nev., Adv. Op. 35, 466 P.3d 1241, 1249 (2020). Accordingly, the motion to dismiss is granted, and this court

ORDERS this appeal DISMISSED.¹

J. Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

[Signature], J.
Herndon

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Israel Kunin, Settlement Judge
Roberts Stoffel Family Law Group
La Luzerne Law
Brennan Law Firm
Eighth District Court Clerk

¹Respondent's request for additional sanctions is denied. Respondent's motion for an extension of time to file the answering brief is granted. The answering brief, errata, and appendix were filed on January 10 and 11, 2022.