

IN THE SUPREME COURT OF THE STATE OF NEVADA

LV OPPORTUNITY ZONE LLC, SERIES
1, A NEVADA LIMITED LIABILITY
COMPANY
Appellant,
vs.
CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,
Respondent.

No. 84628

FILED

MAY 26 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. A. Brown*
DEPUTY CLERK

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

This is an appeal from a district court order denying an amended petition for judicial review and declaratory relief. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

On May 26, 2022, this court entered an order conditionally imposing sanctions on counsel for appellant, Steven L. Yarmy, for his failure to timely file the case appeal statement. This court directed Mr. Yarmy to file and serve the case appeal statement within 14 days or face sanctions. Mr. Yarmy was cautioned that failure to comply with the order, or any other filing deadlines, could result in the dismissal of this appeal. Further, because it appeared that Mr. Yarmy's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), the order cautioned that failure to comply could also result in Mr. Yarmy's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105. Mr. Yarmy complied and the conditional sanctions were automatically vacated.

On September 6, 2022, this court entered an order approving the parties' stipulation to stay this appeal and directing appellant to inform this court by January 3, 2023, whether the terms and conditions in the stipulation had been met and, if so, to file a stipulation or motion to dismiss this appeal. Mr. Yarmy did not comply. Accordingly, on January 10, 2023, this court entered an order directing the parties to file, within 14 days, a stipulation or motion to dismiss this appeal, or otherwise inform this court of the status of this appeal. Mr. Yarmy did not comply. However, respondent filed a motion to dismiss this appeal. Mr. Yarmy untimely submitted an opposition to the motion to dismiss, but it was rejected by the clerk. Although Mr. Yarmy did not resubmit the opposition, the motion to dismiss was denied in an order entered on February 14, 2023. That order also directed appellant to file and serve a transcript request form by February 28, 2023. If no transcript was to be requested, appellant was to file a certificate to that effect within the same time period. Mr. Yarmy did not comply or otherwise communicate with this court.

On March 27, 2023, this court entered an order directing appellant to file the transcript request form or certificate that no transcripts will be requested by April 3, 2023. This court cautioned that failure to timely comply could result in the imposition of sanctions, including the dismissal of this appeal. To date, Mr. Yarmy has not complied or otherwise communicated with this court. In addition, the opening brief and appendix are now overdue.

This court has repeatedly stated that all appeals are expected to be "pursued in a manner meeting high standards of diligence, professionalism, and competence." *Cuzdey v. State*, 103 Nev. 575, 578, 747

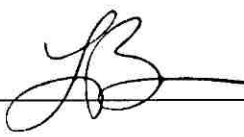
P.2d 233, 235 (1987); accord *Polk v. State*, 126 Nev. 180, 184, 233 P.3d 357, 359 (2010); *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003); *State, Nev. Emp't Sec. Dept. v. Weber*, 100 Nev. 121, 123, 676 P.2d 1318, 1319 (1984). It is incumbent upon Mr. Yarmy, as part of his professional obligations of competence and diligence to his clients, to know and comply with all applicable court rules. See RPC 1.1; RPC 1.3. These rules have been implemented to promote cost-effective, timely access to the courts; it is "imperative" that he follow these rules and timely comply with our directives. *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011). Mr. Yarmy is "not at liberty to disobey notices, orders, or any other directives issued by this court." *Id.* at 652, 261 P.3d at 1085.

Mr. Yarmy's failure to comply with this court's rules and orders has forced this court to divert its limited resources to ensure his compliance and needlessly delayed the processing of this appeal. Therefore, this appeal is dismissed. Because it appears that Mr. Yarmy's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), this court refers Mr. Yarmy to the State Bar of Nevada for investigation pursuant to SCR 104-105. Bar counsel shall, within 90 days of the date of this order, inform this court of the status or results of the investigation and any disciplinary proceedings in this matter.

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Nancy L. Allf, District Judge
Dana Jonathon Nitz, Settlement Judge
Steven L. Yarmy
Las Vegas City Attorney
Eighth District Court Clerk
Bar Counsel, State Bar of Nevada