


IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION;
KRISTINE NELSON, IN HER
CAPACITY AS ADMINISTRATOR OF
THE EMPLOYMENT SECURITY
DIVISION; J. THOMAS SUSICH, AS
CHAIRPERSON OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW; AND UBER
TECHNOLOGIES, INC, AS
EMPLOYER,
Respondents.

No. 87539

FILED

MAY 07 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

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

This is an appeal from a district court order denying a petition for judicial review in a pandemic unemployment assistance matter. Eighth Judicial District Court, Clark County; Maria A. Gall, Judge.

On November 13, 2023, the clerk of this court issued a notice directing appellant to file and serve the docketing statement by December 4, 2023. The notice cautioned that failure to timely comply could result in the imposition of sanctions, including the dismissal of this appeal. See NRAP 14(c). On November 15, 2023, the clerk of this court issued a notice directing appellant to comply with NRAP 9(a) (regarding transcripts) by November 29, 2023, and to file and serve the opening brief and appendix by March 14, 2024. Appellant did not timely file the docketing statement or comply with NRAP 9(a), and did not otherwise communicate with this court.

On December 20, 2023, this court entered an order directing appellant to file and serve the docketing statement by December 27, 2023. *See* NRAP 14. This court also directed appellant, within the same time period, to either (1) serve and file, in this court, a file-stamped copy of the transcript request form filed in the district court, or (2) file a certificate that no transcripts will be requested. *See* NRAP 9(a)(3), (a)(1)(C). This court cautioned that failure to timely comply could result in the imposition of sanctions, including the dismissal of this appeal. *See* NRAP 9(a)(7); NRAP 14(c). Appellant failed to comply or otherwise communicate with this court.

On January 19, 2024, this court entered an order conditionally imposing sanctions on appellant's counsel, Philip J. Trenchak, for failing to timely comply with this court's notices and order. We directed Mr. Trenchak to pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment within 14 days. We explained that the conditional sanction would be automatically vacated if Mr. Trenchak served and filed, in this court, the docketing statement and either a file-stamped transcript request form or certificate of no transcript request within 7 days. If the required documents were not timely filed, the sanction would no longer be conditional and must be paid. We 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. Trenchak's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), we cautioned that failure to comply with the order or any other filing deadlines could also result in Mr. Trenchak's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105. Appellant filed the docketing

statement and certificate of no transcript request within the time specified in the order, and the conditional sanction was vacated.

On March 13, 2024, Mr. Trenchak obtained a telephonic extension of time, until March 28, 2024, to file the opening brief and appendix. On March 28, 2024, Mr. Trenchak filed a stipulation for a second extension of time, until April 4, 2024, to file the opening brief and appendix. On April 3, 2024, he filed the opening brief and appendix.

This court entered an order on April 9, 2024, explaining that the stipulation was not properly signed by counsel of record for respondents and that a stipulation was improper where a telephonic extension of time to file the opening brief and appendix had already been obtained. *See* NEFCR 11(c); NRAP 26(b)(1)(B). This court nevertheless approved the stipulation. However, because the opening brief did not comply with this court's formatting requirements, this court struck the opening brief and directed appellant to file and serve an amended opening brief that fully complied with NRAP 32(a) by April 16, 2024.

On April 18, 2024, in response to a notice informing this court that attorneys Carolyn Broussard and Jen Sarafina do not represent respondent Uber Technologies, Inc., this court entered an order directing the clerk to remove Ms. Broussard and Ms. Sarafina as counsel of record for Uber Technologies and directing appellant to serve Uber Technologies with a copy of the order and provide this court with proof of such service by April 25, 2024.

On April 19, 2024, appellant filed an untimely motion for an extension of time to file the opening brief and untimely filed the opening brief. The extension motion does not fully comply with the requirements of NRAP 31(b)(3)(A). And neither the motion nor the brief is accompanied by

proof of service on Uber Technologies. *See* NRAP 25(d). Therefore, no action will be taken on the motion. *See* NRAP 25(d)(3) (providing that this court will not take action on documents filed without proof of service). The clerk shall strike the opening brief filed on April 19, 2024. To date, Mr. Trenchak has failed to provide proof of service of the April 18, 2024, order on Uber Technologies as required.


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. Trenchak, 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. Trenchak is “not at liberty to disobey notices, orders, or any other directives issued by this court.” *Id.* at 652, 261 P.3d at 1085.

Due to Mr. Trenchak’s failure to comply with this court’s rules, notices, and orders, this appeal is dismissed. Because it appears that his 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. Trenchak 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.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. Maria A. Gall, District Judge
Mullins & Trenchak, Attorneys at Law
State of Nevada/DETR - Las Vegas
Bar Counsel, State Bar of Nevada
Philip J. Trenchak
The Law Offices of Philip J. Trenchak, A Prof. Corp.
Uber Technologies, Inc
Eighth District Court Clerk