

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACY W. BECK,
Appellant,
vs.
ANTHONY BECK,
Respondent.

No. 87283

: FILED

AUG 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

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

This is an appeal from a district court order in a divorce matter. Eighth Judicial District Court, Family Division, Clark County; Bryce C. Duckworth, Judge.

Before the court is appellant's motion to extend time to file her opening brief and appendix, filed on July 22, 2024, and respondent's countermotion to dismiss this appeal that was included in his response to appellant's motion. In her motion to extend time to file her opening brief and appendix, appellant contends that her counsel's email address to which the order reinstating briefing was sent "was not being monitored," and thus there was a calendaring issue. Appellant requests an extension until July 30, 2024, to file her appendix and until August 19, 2024, to file her opening brief. Respondent opposes the motion, contending that appellant's counsel had not been in communication with his counsel about preparing a joint appendix and that appellant had engaged in numerous delays in the district court and appellate court. Respondent further requests dismissal of this appeal due to appellant's failure to demonstrate good cause or extraordinary and compelling circumstances to warrant the extension of time.

Over the 11 months since appellant filed her notice of appeal, appellant and her counsel, Amanda Roberts, have been warned four times that the failure to comply with this court's orders or deadlines may result in dismissal and/or referral of Ms. Roberts to the State Bar of Nevada for investigation. *See Beck v. Beck*, Docket No. 87283 (Order to File Case Appeal Statement, Sept. 21, 2023) ("Failure to comply timely with this order may result in the imposition of sanctions, including dismissal of this appeal. *See* NRAP 3(a)(2)."); *Beck v. Beck*, Docket No. 87283 (Order to File Document, May 10, 2024) ("Failure to comply with this order may result in the imposition of sanctions, including dismissal of this appeal. NRAP 9(a)(7)."); *Beck v. Beck*, Docket No. 87283 (Order Conditionally Imposing Sanctions, June 13, 2024) ("[F]ailure to comply with this order or any other filing deadlines may also result in Ms. Roberts's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105."); *Beck v. Beck*, Docket No. 87283 (Order to File Opening Brief and Appendix, July 16, 2024) ("Failure to comply may result in the imposition of sanctions, including the dismissal of this appeal. NRAP 31(d)."). While this motion was pending, Ms. Roberts filed appellant's appendix on August 12, 2024—13 days after the deadline requested—and to date has not filed an opening brief or sought further extension, failing to meet the August 19, 2024, deadline she herself requested.

Moreover, the fact that Ms. Roberts was not monitoring the email address on file with the court, which purportedly caused the original July 1, 2024, opening brief deadline to not be calendared, does not constitute good cause or extraordinary and compelling circumstances to warrant an extension of time. Rather, it indicates a failure on the part of counsel to be diligent in her representation in appellant's case.

Accordingly, appellant's motion for an extension of time to file the opening brief and appendix is denied. Respondent's countermotion to dismiss this appeal is granted. This appeal is dismissed. Because it appears that Ms. Roberts'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 Ms. Roberts 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.

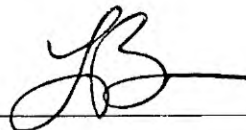
It is so ORDERED.



_____, J.
Herndon



_____, J.
Lee



_____, J.
Bell

cc: Hon. Bryce C. Duckworth, District Judge, Family Division
Stephen E. Haberfeld, Settlement Judge
Roberts Stoffel Family Law Group
Pecos Law Group
Eighth District Court Clerk