

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE CONEAL,
Appellant,
vs.
LEILA CONEAL,
Respondent.

No. 46673

FILED

JAN 27 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION FOR REINSTATEMENT OF COUNSEL
AND GRANTING MOTION TO DISMISS APPEAL

This is an appeal from an order of the district court regarding child custody. The appeal is subject to expedited briefing and resolution pursuant to SCR 251 and NRAP 31(a)(2).

This appeal was docketed in this court on January 27, 2006, almost three years ago. Thereafter, Brian K. Griffith, appellant's counsel, repeatedly failed to comply with the Nevada Rules of Appellate Procedure, as well as notices and orders issued by this court.¹

In light of Mr. Griffith's repeated procedural derelictions, this court thrice imposed sanctions against him. On April 4, 2008, and June 6, 2008, this court entered orders imposing \$500.00 fines, and on August 22, 2008, this court entered an order removing Mr. Griffith as counsel and referring him to the State Bar of Nevada for investigation. Our August

¹Mr. Griffith's procedural omissions are fully set forth in our notices issued on February 10, 2006, and February 21, 2007, and orders entered on March 28, 2007, December 14, 2007, March 4, 2008, April 4, 2008, April 25, 2008, June 6, 2008, and August 22, 2008. For purposes of brevity, we find it unnecessary to detail the omissions in this order.

22, 2008, order directed Mr. Griffith to provide this court, by September 2, 2008, with written proof of payment of each of the \$500.00 sanctions and with appellant's most recent address.

On December 5, 2008, Mr. Griffith untimely paid the sanctions. However, to date, Mr. Griffith has failed to provide this court with appellant's most recent address. Despite this additional deficiency, Mr. Griffith has now filed a motion to be reinstated as counsel for appellant. In support of the motion, Mr. Griffith states that this appeal involves an issue of first impression. However, while Mr. Griffith explains why the production of transcripts was delayed, he declines to offer any explanation for his repeated failures to comply with this court's orders.² Accordingly, no sufficient cause appearing, we deny Mr. Griffith's motion to be reinstated as appellant's counsel in this appeal.³

Respondent has filed a motion to dismiss this appeal based on the above-described derelictions of appellant's counsel.⁴ As explained above, this appeal has been lingering on this court's docket for almost three years and briefing has not yet commenced. We agree that the cloud of litigation has lingered over the custody of the minor child long enough, and that any further delays in the prosecution of this appeal would be

²Mr. Griffith represents that he was diagnosed with renal carcinoma and underwent surgery, but that he "was able to continue whatever Court obligations [he] had, including this matter."

³All other requests for relief contained in Mr. Griffith's motion, including the requests for an extension of time to obtain the transcript and to file an opening brief in excess of 30 pages are denied.

⁴We note that Mr. Griffith's motion for reinstatement does not contain any opposition or response to respondent's motion to dismiss.

fundamentally unfair to respondent. Accordingly, respondent's motion to dismiss this appeal is granted. This appeal is dismissed.

It is so ORDERED.

/s/ Hardesty, C.J.
Hardesty

/s/ Parraguirre, J.
Parraguirre

/s/ Douglas, J.
Douglas

cc: Brian Griffith
Steve Coneal
Jones Vargas/Las Vegas
Rob Bare, Bar Counsel