

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE HAYASHI, AN INDIVIDUAL;  
COMETT LV, LLC, A NEVADA  
LIMITED-LIABILITY COMPANY;  
COMET LV, LLC, A NEVADA  
LIMITED-LIABILITY COMPANY;  
ST612E, LLC, A NEVADA LIMITED  
LIABILITY COMPANY; AND GREEN  
PROTECTION, INC., A NEVADA  
CORPORATION,

Appellants,

vs.

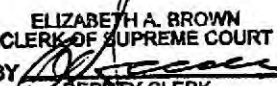
MITSUYASU SHIGETA, AN  
INDIVIDUAL; SAYAKA SHIGETA, AN  
INDIVIDUAL; AMERICA ISHIN LLC, A  
NEVADA LIMITED-LIABILITY  
COMPANY; AND LAS VEGAS DREAMS  
LLC, A NEVADA LIMITED-LIABILITY  
COMPANY,

Respondents.

No. 81693

**FILED**

MAR 04 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

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

On January 28, 2021, this court entered an order reinstating appeal and conditionally imposing sanctions against attorney Steven H. Burke, of the Law Office of Steven H. Burke, D/B/A The 808 Firm, counsel for appellants, for his failure to file the docketing statement.<sup>1</sup> We directed Mr. Burke to pay the \$250 conditional sanction within 14 days and informed him that the sanction would be automatically vacated if he filed the corrected docketing statement or a motion for extension of time by February 11, 2021. Mr. Burke was cautioned that failure to comply with our order or

<sup>1</sup>A copy of the order is attached.

other filing deadlines could result in the dismissal of this appeal. We further cautioned that failure to comply could result in Mr. Burke's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105 for violations of RPC 1.3(diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct). To date Mr. Burke has not complied with the January 28, 2021, order.

Accordingly, we dismiss this appeal and we refer Mr. Burke to the State Bar of Nevada for investigation. Further, the sanction is no longer conditional and must be paid. Mr. Burke shall have 7 days from the date of this order to pay \$250 to the Supreme Court Law Library and provide the clerk of this court with proof of such payment.

It is so ORDERED.

Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Silver, J.  
Silver

cc: Hon. Stefany Miley, District Judge  
Law Office of Steven H. Burke, D/B/A The 808 Firm  
Kaempfer Crowell/Las Vegas  
Supreme Court Law Librarian  
Bar Counsel, State Bar of Nevada  
Eighth District Court Clerk

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COMPANY; AND LAS VEGAS DREAMS  
LLC, A NEVADA LIMITED-LIABILITY  
COMPANY,

Respondents.

No. 81693

FILED

JAN 28 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

**ORDER REINSTATING BRIEFING, IMPOSING CONDITIONAL  
SANCTION, AND DIRECTING COUNSEL TO FILE  
CORRECTED DOCKETING STATEMENT**

Pursuant to NRAP 16, the settlement judge has filed a report with this court indicating that the parties were unable to agree to a settlement. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs. See NRAP 16.

Appellants shall have 14 days from the date of this order to file and serve a transcript request form. If no transcript is to be requested, appellants shall file and serve a certificate to that effect within the same time period. See NRAP 9(a). Further, appellants shall have 90 days from the date of this order to file and serve the opening brief and appendix. In preparing and assembling the appendix, counsel shall strictly comply with

the provisions of NRAP 30. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

Finally, on September 10, 2020, this court issued a notice informing the parties that this appeal may be assigned to the court's settlement program. This notice also noted that the docketing statement must be filed and served within 21 days of the date of the notice and that the timeline for the docketing statement was not stayed by the notice.<sup>1</sup> See NRAP 16(a)(1). On October 8, 2020, appellants filed the untimely docketing statement. Accordingly, this court issued a notice rejecting the docketing statement and directed appellants to resubmit the docketing statement with an accompanying motion for extension of time.<sup>2</sup> On November 23, 2020, appellants filed a motion for extension of time to file the docketing statement, and on December 2, 2020, this court granted that motion, directing appellants to file the docketing statement within 7 days from the date of that order.<sup>3</sup> As the docketing statement had not been filed, on January 4, 2021, this court entered an order again directing appellants to file the docketing statement within 7 days. Appellants were cautioned that failure to comply timely with that order would result in the imposition of sanctions.<sup>4</sup> See NRAP 14(c). On January 8, 2021, appellants filed the docketing statement, and on that same day this court issued a notice of deficient docketing statement, directing appellants to resubmit a corrected

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<sup>1</sup>A copy of the notice is attached.

<sup>2</sup>A copy of the notice is attached.

<sup>3</sup>A copy of the order is attached.

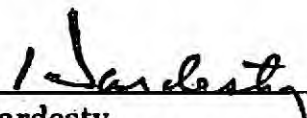
<sup>4</sup>A copy of the order is attached.

docketing statement within 5 days.<sup>5</sup> As of the date of this order, the corrected docketing statement has not been filed.

Appellants' counsel's continued failure to file the docketing statement in compliance with the court's procedural rules and the notices and orders issued in this appeal warrants the *conditional* imposition of sanctions. Accordingly, appellants' counsel, Steven H. Burke, shall, within 14 days from the date of this order, pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment. However, this sanction shall be automatically vacated if Mr. Burke files and serves a complete and accurate docketing statement within the same time period.

If the docketing statement is not timely filed, the sanction will no longer be conditional and must be paid. Failure to comply with this order or any other filing deadlines may result in the dismissal of this appeal. See NRAP 3(a)(2). Further, because it appears that Mr. Burke's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), failure to comply with this order or any other filing deadlines may also result in Mr. Burke's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

It is so ORDERED.

  
Hardesty, C.J.

  
Parraguirre

  
Silver, J.

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<sup>5</sup>A copy of the notice is attached.

cc: **Stephen E. Haberfeld, Settlement Judge**  
**Law Office of Steven H. Burke, D/B/A The 808 Firm**  
**Kaempfer Crowell/Las Vegas**  
**Supreme Court Law Librarian**

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

STEVE HAYASHI, AN INDIVIDUAL; COMETT LV, LLC, A NEVADA LIMITED-LIABILITY COMPANY; COMET LV, LLC, A NEVADA LIMITED-LIABILITY COMPANY; ST612E, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND GREEN PROTECTION, INC., A NEVADA CORPORATION,  
Appellants,  
vs.  
MITSUYASU SHIGETA, AN INDIVIDUAL; SAYAKA SHIGETA, AN INDIVIDUAL; AMERICA ISHIN LLC, A NEVADA LIMITED-LIABILITY COMPANY; AND LAS VEGAS DREAMS LLC, A NEVADA LIMITED-LIABILITY COMPANY,  
Respondents.

**Supreme Court No. 81693**  
District Court Case No. A783668

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION  
OF RULES**

TO: Law Office of Steven H. Burke, D/B/A The 808 Firm \ Steven H. Burke  
Kaempfer Crowell/Las Vegas \ Peter C. Bernhard, Lesley B. Miller, Ethan D.  
Thompson

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 21 days of the date of this notice. This timeline is not stayed by this notice.

DATE: September 10, 2020

Elizabeth A. Brown, Clerk of Court

By: Joan Hendricks  
Settlement Program Officer

**Notification List**

**Electronic**

Law Office of Steven H. Burke, D/B/A The 808 Firm \ Steven H. Burke  
Kaempfer Crowell/Las Vegas \ Peter C. Bernhard  
Kaempfer Crowell/Las Vegas \ Lesley B. Miller

**Paper**

Kaempfer Crowell/Las Vegas \ Ethan D. Thompson

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

STEVE HAYASHI, AN INDIVIDUAL; COMETT  
LV, LLC, A NEVADA LIMITED-LIABILITY  
COMPANY; COMET LV, LLC, A NEVADA  
LIMITED-LIABILITY COMPANY; ST612E, LLC,  
A NEVADA LIMITED LIABILITY COMPANY;  
AND GREEN PROTECTION, INC., A NEVADA  
CORPORATION,

Appellants,

vs.

MITSUYASU SHIGETA, AN INDIVIDUAL;  
SAYAKA SHIGETA, AN INDIVIDUAL;  
AMERICA ISHIN LLC, A NEVADA LIMITED-  
LIABILITY COMPANY; AND LAS VEGAS  
DREAMS LLC, A NEVADA LIMITED-  
LIABILITY COMPANY,

Respondents.

**Supreme Court No. 81693**

District Court Case No. A783668

**NOTICE OF REJECTION OF FILED DOCUMENT**

TO: Law Office of Steven H. Burke, D/B/A The 808 Firm \ Steven H. Burke

The document you filed is being rejected for the following reason(s):

Document entitled "Docketing Statement Civil Appeals" is untimely and must be accompanied by a motion for extension of time.

DATE: October 09, 2020

Elizabeth A. Brown, Clerk of Court

By: Dana Richards  
Deputy Clerk

**Notification List**

**Electronic**

Kaempfer Crowell/Las Vegas \ Peter C. Bernhard

Kaempfer Crowell/Las Vegas \ Lesley B. Miller

**Paper**

Kaempfer Crowell/Las Vegas \ Ethan D. Thompson

Hon. Stephen E. Haberfeld, Settlement Judge

20-37100



IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE HAYASHI, AN INDIVIDUAL;  
COMETT LV, LLC, A NEVADA  
LIMITED-LIABILITY COMPANY;  
COMET LV, LLC, A NEVADA  
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ST612E, LLC, A NEVADA LIMITED  
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MITSUYASU SHIGETA, AN  
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NEVADA LIMITED-LIABILITY  
COMPANY; AND LAS VEGAS DREAMS  
LLC, A NEVADA LIMITED-LIABILITY  
COMPANY,

Respondents.

No. 81693

**FILED**

**DEC 02 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: S. Y. [Signature]  
DEPUTY CLERK

**ORDER GRANTING MOTION**

On October 8, 2020, appellants filed the docketing statement. This court issued a notice of rejection on October 9, 2020, directing appellants to file the docketing statement accompanied by a motion for an extension of time. On November 23, 2020, appellants filed a motion to extend time to file docketing statement. The unopposed motion is granted. Appellants shall file the docketing statement within 7 days from the date of this order.

It is so ORDERED.

CLERK OF THE SUPREME COURT  
ELIZABETH A. BROWN

BY: [Signature]

SUPREME COURT  
OF  
NEVADA

CLERK'S ORDER


10-1987

20-43661

cc: **Stephen E. Haberfeld, Settlement Judge**  
**Law Office of Steven H. Burke, D/B/A The 808 Firm**  
**Kaempfer Crowell/Las Vegas**

SUPREME COURT  
OF  
NEVADA

CLERK'S ORDER

10-117 

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE HAYASHI, AN INDIVIDUAL;  
COMETT LV, LLC, A NEVADA  
LIMITED-LIABILITY COMPANY;  
COMET LV, LLC, A NEVADA  
LIMITED-LIABILITY COMPANY;  
ST612E, LLC, A NEVADA LIMITED  
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NEVADA LIMITED-LIABILITY  
COMPANY; AND LAS VEGAS DREAMS  
LLC, A NEVADA LIMITED-LIABILITY  
COMPANY,

Respondents.

No. 81693

**FILED**

JAN 04 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

**ORDER TO FILE DOCKETING STATEMENT**

On December 2, 2020, this court granted appellants' motion for an extension of time to file the docketing statement. Because this court had rejected the previously submitted docketing statement, this court directed appellants to resubmit the docketing statement within 7 days. To date, appellants have failed to comply with that order. Appellants shall, within 5 days from the date of this order, file the docketing statement. Failure to comply timely with this order will result in the imposition of sanctions. See NRAP 14(c).

It is so ORDERED.

*J. Sanders* C.J.

cc: **Stephen E. Haberfeld, Settlement Judge**  
**Law Office of Steven H. Burke, D/B/A The 808 Firm**  
**Kaempfer Crowell/Las Vegas**

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

STEVE HAYASHI, AN INDIVIDUAL; COMETT  
LV, LLC, A NEVADA LIMITED-LIABILITY  
COMPANY; COMET LV, LLC, A NEVADA  
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Appellants,

vs.

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AMERICA ISHIN LLC, A NEVADA LIMITED-  
LIABILITY COMPANY; AND LAS VEGAS  
DREAMS LLC, A NEVADA LIMITED-  
LIABILITY COMPANY,

Respondents.

**Supreme Court No. 81693**

District Court Case No. A783668

**NOTICE OF DEFICIENT DOCKETING STATEMENT**

TO: Law Office of Steven H. Burke, D/B/A The 808 Firm \ Steven H. Burke

The docketing statement you submitted is being returned for the following reason(s):

Docketing statement is missing attachments as required by question 27.

Please correct the deficiencies and resubmit the docketing statement to this office for filing within 5 days of the date of this notice.

DATE: January 08, 2021

Elizabeth A. Brown, Clerk of Court

By: Dana Richards  
Deputy Clerk

**Notification List**

**Electronic**

Kaempfer Crowell/Las Vegas \ Peter C. Bernhard

Kaempfer Crowell/Las Vegas \ Lesley B. Miller

**Paper**

Kaempfer Crowell/Las Vegas \ Ethan D. Thompson

Hon. Stephen E. Haberfeld, Settlement Judge

21-00679