

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT R. PILKINGTON; AND  
DENISE L. PILKINGTON, HUSBAND  
AND WIFE, INDIVIDUALLY AND  
JOINTLY,

Appellants,

vs.

HUNTER LIGGETT; JANET LENK  
COHEN; CARIN LENK SLOANE;  
KRISTIN NOEL PFEIFER; JILL RENE  
STYND A; GINGER SIMPSON F/K/A  
GINGER STUMNE; AND WELLS  
FARGO BANK NATIONAL  
ASSOCIATION, A FOREIGN FOR-  
PROFIT (BUSINESS) CORPORATION  
DOING BUSINESS IN THE STATE OF  
NEVADA,

Respondents.

ROBERT R. PILKINGTON; AND  
DENISE L. PILKINGTON, HUSBAND  
AND WIFE, INDIVIDUALLY AND  
JOINTLY,

Appellants,

vs.

HUNTER LIGGETT; JANET LENK  
COHEN; CARIN LENK SLOANE;  
KRISTIN NOEL PFEIFER; JILL RENE  
STYND A; GINGER SIMPSON F/K/A  
GINGER STUMNE; AND WELLS  
FARGO BANK NATIONAL  
ASSOCIATION, A FOREIGN FOR-  
PROFIT (BUSINESS) CORPORATION  
DOING BUSINESS IN THE STATE OF

No. 87936

**FILED**

FEB 21 2024

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

No. 88026 ✓

24-06277

NEVADA,  
Respondents.

*ORDER ADMINISTRATIVELY CLOSING APPEAL, REGARDING  
MOTIONS AND NOTICES, AND REGARDING COUNSEL*

Docket No. 87936 is an appeal from the following district court orders: “(1) *Order Granting Special Motion to Dismiss*, dated July 10, 2023; (2) *Order*, dated July 17, 2023, (3) *Order Awarding Defendant Simpson Attorney’s Fees and Costs Pursuant to NRS 41.670(1)(a) and Anti-SLAPP Sanction Pursuant to NRS 41.670(1)(b)*, dated December 12, 2023; and, *Order Regarding Sanction Award of Attorneys Fees and Costs*, dated December 12, 2023.” Appellants included a footnote with respect to the first and third orders stating “Mrs. Simpson has never sent codified copies of these Orders; instead, Mrs. Simpson sent signed, unfiled copies.” Included with the documents transmitted to this court with the notice of appeal pursuant to NRAP 3(g)(1) is a notice of deficiency from the district court clerk. The notice is dated January 16, 2024, and states that the clerk was unable to determine exactly what orders were being appealed.

On January 26, 2024, appellants filed an amended notice of appeal in the district court challenging the following district court orders: “(1) *Order Granting Special Motion to Dismiss*, dated July 19, 2023; (2) *Order (After hearing 06/26/2023)*, dated July 17, 2023, (3) *Order Awarding Defendant Simpson Attorney’s Fees and Costs Pursuant to NRS 41.670(1)(a) and Anti-SLAPP Sanction Pursuant to NRS 41.670(1)(b)*, dated December 18, 2023; and, *Order Regarding Sanction Award of Attorneys Fees and Costs*, dated December 12, 2023.” Attached to the amended notice of appeal is a copy of the original notice of appeal.

The amended notice of appeal was docketed in this court as a new appeal and assigned Docket No. 88026. Upon docketing, the clerk of this court issued a notice directing appellants to pay the required \$250 filing fee and cautioning that failure to pay or demonstrate compliance with NRAP 24 within 14 days would result in the dismissal of the new appeal.

Appellants have now filed motions to consolidate these appeals and waive the requirements for appellants to pay the additional filing fee and post an additional bond. Appellants explain that upon their receipt of the district court clerk's notice of deficiency, they obtained the correct date of the Order Granting Special Motion to Dismiss and the Order Awarding Defendant Simpson Attorney's Fees and Costs Pursuant to NRS 41.670(1)(a) and Anti-SLAPP Sanction Pursuant to NRS 41.670(1)(b) from the district court clerk and filed the amended notice of appeal clarifying the dates of these orders.

Upon further review, this court concludes that the amended notice of appeal was improperly docketed as a new matter. The amended notice of appeal challenges the same four orders as the original notice of appeal. *Cf. Forman v. Eagle Thrifty Drugs & Markets, Inc.*, 89 Nev. 533, 536, 516 P.2d 1234, 1236 (1973), *overruled in part on other grounds by Garvin v. Ninth Judicial Dist. Court*, 118 Nev. 749, 59 P.3d 1180 (2002) (explaining that the notice of appeal is not "a technical trap for the unwary draftsman" and a defective notice of appeal does not warrant dismissal if the intention to appeal from a specific judgment can be reasonably inferred from the text of the notice and the respondent is not materially misled).

Accordingly, the clerk shall administratively close the appeal in Docket No. 88026 and transfer the documents in that appeal to Docket No. 87936. Appellants' motions to consolidate and waive the payment of filing fees and bonds in Docket No. 88026 are denied as unnecessary.

Attorney Harriet Roland, counsel of record for respondent Ginger Simpson (formerly known as Ginger Stumne), has filed notices of withdrawal of counsel informing this court that she was "only involved in a previous case and not on this matter." Accordingly, the clerk shall remove Ms. Roland as counsel of record for Ginger Simpson. Attorneys Brent L. Ryman and Paul M. Bertone of Erickson, Thorpe & Swainston, Ltd have filed a notice of appearance on behalf of Simpson. The clerk shall add Mr. Ryman and Mr. Bertone as counsel of record for Ginger Simpson.

It is so ORDERED.

  
\_\_\_\_\_, C.J.

cc: Chief Judge, The Fifth Judicial District Court  
Hon. Steven R. Kosach, Senior Judge  
Denise L. Pilkington  
Robert R. Pilkington  
Anthony L. Barney, Ltd.  
Roland Law Firm  
Snell & Wilmer, LLP/Las Vegas  
Erickson, Thorpe & Swainston  
Nye County Clerk