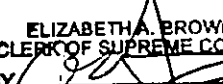


IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL NICHERIE,
Appellant,
vs.
ASUTOSH SHARDA, SPECIAL
ADMINISTRATOR OF THE ESTATE
OF NAVNEET SHARDA; GIREESH
SHARDA, SPECIAL ADMINISTRATOR
OF THE ESTATE OF NAVNEET
SHARDA; AND PRAVESHKA
KENDAR, LLC,
Respondents.

No. 88837

FILED
MAY 06 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal. Eighth Judicial District Court, Clark County; Michael Villani, Judge. On July 30, 2024, the clerk of this court issued a notice directing appellant to file a transcript request form or certificate that no transcripts will be requested, a docketing statement, and an opening brief or an informal brief for pro se parties. On September 9, 2024, when appellant did not comply with the July 30 notice, this court entered an order directing appellant to file and serve a transcript request form or certificate that no transcripts are requested and the docketing statement by September 23, 2024. This court cautioned that failure to comply could result in the dismissal of this appeal. NRAP 9(a)(10); NRAP 14(c).

Copies of the July 30 notice and September 9 order were mailed to appellant at the address he provided this court. Both documents were

returned to this court as undeliverable. On September 25 and 26, 2024, appellant filed untimely motions for extensions of time to file his docketing statement, transcript request form, a motion for an extension of time to file his brief, and motions for voucher for court reporters. On October 3, 2024, this court entered an order resolving the motions. *Nicherie v. Sharda*, Docket No. 88837 (*Order*, October 3, 2024). This court noted that the motion regarding the brief did not comply with NRAP 31(b)(3)(A) and was not accompanied by proper proof of service, *see* NRAP 25(d)(1), but nevertheless granted all the extension motions. We instructed the clerk to strike and return the docketing statements submitted by appellant because they did not have copies of the required documents attached. *See* NRAP 14(c). We construed the motions for vouchers as motions to waive the costs associated with the preparation and delivery of transcripts pursuant to NRAP 9(a)(9) and denied them without prejudice because the motions did not explain why each transcript is necessary for appellate review as required by NRAP 9(a)(9). This court directed appellant to file, by October 17, 2024, a renewed motion for waiver of costs that fully complies with the requirements of NRAP 9(a)(9), and a docketing statement with copies of all required documents attached. This court also directed appellant to file an opening brief or an informal brief for pro se parties by December 11, 2024. Appellant was expressly cautioned that failure to timely file and serve a compliant docketing statement or opening brief or informal brief could result in the imposition of sanctions, including the dismissal of this appeal. NRAP 14(c); NRAP 31(d).

The October 3 order also reminded appellant of the requirement to provide proper proof of service of all documents filed in this court, *see* NRAP 25(d)(1), and his responsibility to provide this court with accurate

contact information. Appellant was directed to provide this court with an updated mailing address by October 17, 2024.

Appellant did not timely file a docketing statement or renewed motion for waiver of costs, or provide this court with an updated address. On October 18, 2024, the October 3 order was returned to this court as undeliverable.

On October 29, 2024, appellant filed (1) a motion to proceed in forma pauperis, (2) an untimely request for an extension of time to file an updated mailing address and docketing statement and request for payment of transcript by voucher, (3) a docketing statement, (4) exhibits to the docketing statement, and (5) a transcript request form and proposed order on the motion for vouchers. All of these documents were stricken because they did not comply with this court's rules. Appellant was directed to correct the deficiencies and re-file the documents by November 8, 2024. Appellant was again cautioned that failure to timely file compliant documents could result in the dismissal of this appeal.

Appellant refiled the docketing statement, and filed a motion to proceed in forma pauperis, a streamlined extension of time to file the opening brief, and a motion to extend time to file all requested documents. On November 20 and 21, 2024, appellant's motion for leave to proceed in forma pauperis, docketing statement, and streamlined extension of time were respectively rejected and disapproved due to their non-compliance with court rules. On November 22, the clerk rejected appellant's exhibits to the docketing statement because the docketing statement had not been filed.

On November 27, 2024, this court granted appellant's motion for an extension of time to file all necessary documents and directed

appellant, by December 5, 2024, to file and serve a motion for waiver of costs associated with the preparation and delivery of transcripts, NRAP 9(a)(9), the docketing statement, NRAP 14, and an opening brief or informal opening brief for pro se parties, NRAP 28(a), (k). This court cautioned that failure to timely comply could result in the imposition of sanctions, including the dismissal of this appeal. Appellant did not comply.

At this point, respondents filed a motion to dismiss this appeal based on appellant's repeated failure to timely file documents in this matter. Between January 20 and February 3, 2025, appellant filed two untimely oppositions to the motion to dismiss, a brief, five motions seeking various forms of relief, and a transcript request form. Only one of these documents complied with this court's procedural rules. All non-compliant documents were rejected or stricken.

On February 11, 2025, appellant filed compliant motions for extensions of time to file the opening brief and to file an opposition to the motion to dismiss. This court denied the motion to dismiss on February 27, 2025. Appellant was directed to file, by March 13, 2025, the docketing statement and a motion for waiver of costs associated with preparation and delivery of transcripts. Appellant was also directed to file and serve, by March 20, 2025, either an opening brief in compliance with NRAP 28(a) and NRAP 32, or an informal brief for pro se parties.

In the February 27 order, this court expressed sympathy for appellant's current circumstances. Nevertheless, because this appeal had already been pending for approximately eight months, this court cautioned that future requests for extensions of time would not be viewed favorably. Appellant was again advised that failure to timely file documents as

directed could result in the imposition of sanctions, including the dismissal of this appeal. NRAP 9(a)(10); NRAP 14(c); NRAP 31(d)(1).

Appellant subsequently filed a motion for waiver of costs, an informal brief, two docketing statements, and a corrected informal brief. The informal brief was stricken for procedural noncompliance and the corrected informal brief was rejected as untimely. On April 11, 2025, this court entered an order striking the motion for waiver of costs and docketing statements for noncompliance. The order specifically advised appellant that a motion to waive transcript costs must “explain why each transcript is necessary for appellate review;” appellant’s general statement that production of the 49 requested transcripts is necessary to show his involvement in the case is insufficient. This court again expressed sympathy for the circumstances facing appellant but noted this appeal had been pending for almost ten months and appellant still had not filed a compliant docking statement, motion for waiver of transcript costs, or brief.

The April 11, 2025, order directed appellant to file and serve a docketing statement in compliance with NRAP 14, a motion for waiver of costs in accordance with NRAP 9(a)(9), and an informal brief by April 18, 2025. This court cautioned that no extensions of time to file any of these documents would be granted and that failure to timely file compliant versions of all missing documents would result in the dismissal of this appeal. NRAP 14(c); NRAP 9(a)(10); NRAP 31(d).

On April 17, 2025, appellant filed an “Affidavit of Daniel Nicherie in Support of a Motion for Extension of Time to File Reply Brief Due 3/20/2025 Since Transcript for in Forma Pauperis Have not Been Approved my Draft Does not Refer to Transcripts, but Memory Only.” That document was later stricken because it lacked page numbers. See NRAP

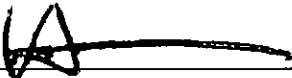
27(d)(1)(D). On April 18, 2025, appellant filed an informal brief, two docketing statements, a motion for waiver of transcript costs, and a motion for an extension of time to file an informal brief. On April 25, 2025, appellant filed affidavits in support of his motions to waive transcript costs and for an extension of time to file the informal brief.

Both of appellant's docketing statements are deficient because they lack the required attachments. Although appellant's motion for waiver of costs is procedurally compliant, it again indicates only that transcripts are necessary to show his involvement in the case. Appellant does not demonstrate that production of any specific transcript is necessary. Appellant's motion for an extension of time to file the informal brief is unnecessary because a compliant informal brief was filed within the time specified by the April 11, 2025, order. To the extent appellant suggests he requires an extension of time to file another brief once the transcripts are delivered, this court's rules do not contemplate the filing of two initial briefs and appellant has not sought or been granted leave to file an amended informal brief.

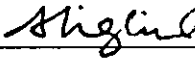
Appellant has failed to fully comply with this court's April 11, 2025, order despite this court's express warning that this appeal would be dismissed if appellant did not file compliant versions of all required documents. As previously stated, this court is sympathetic to the challenging circumstances facing appellant. We have therefore afforded appellant numerous opportunities to file compliant documents despite his repeated failures to timely respond to this court's directives. This court must also consider the effect of the delays in this matter on respondents, appellant's obligation to comply with this court's procedural rules, notices, and orders, and the use of judicial resources. Having carefully considered

the documents before this court, we decline to extend appellant any additional time to achieve compliance. Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Herndon


_____, J.
Farraguirre


_____, J.
Stiglich

cc: Hon. Michael Villani, District Judge
Daniel Nicherie
Cory Reade Dows & Shafer
Eighth District Court Clerk