



January 25, 2019

LETTER OF REPRIMAND

Brandon L. Phillips, Esq.
Nevada Bar No. 12264
c/o David A. Clark, Esq.
Lipson Neilson, P.C.
9900 Covington Cross Drive
Las Vegas, NV 89144

3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

Dear Mr. Phillips:

You represented Queste Capital in an appeal which originally was filed in August 2016. On February 9, 2017, after the parties were unable to reach a settlement, the Nevada Supreme Court reinstated briefing and ordered that the Opening Brief and Appendix be filed and served within ninety (90) days. You also were ordered to file and serve a transcript request form within fifteen (15) days, and file the Case Appeal Statement within ten (10) days.

On April 13, 2017, the Supreme Court entered an Order Conditionally Imposing Sanctions on you because you had failed to file the Case Appeal Statement and a transcript request form.

The Supreme Court received the Case Appeal Statement and a transcript request form on May 3, 2017.

The Supreme Court's Order of April 13, 2017, subsequently was vacated in an Order filed on May 9, 2017, which gave you thirty (30) days to file the Opening Brief and Appendix. The Order warned you that failure to file the documents as directed could result in imposition of sanctions.

On July 28, 2017, the Supreme Court filed an Order to File Documents and Imposing Sanctions because you failed to file the Opening Brief and Appendix. You were given fifteen (15) days to file the documents or face sanctions, including possible dismissal of the appeal. Also, because you had been conditionally sanctioned previously in the case for failing to comply with the Supreme Court's orders, the Supreme Court ordered you to pay \$250 to the Supreme Court Law Library within fifteen (15) days. You filed proof of payment of the sanction on August 14, 2017.

After entry of the July 28, 2017, Order, you filed four (4) motions seeking continuances based on continued settlement negotiations:

- a. A Motion to Stay, filed on August 30, 2017;
- b. A Motion to Extend Time, filed on November 1, 2017;
- c. A Notice of Settlement and Motion to Extend Time to File Stipulation and Dismissal, filed on December 18, 2017; and
- d. A Motion to Submit Matter to Settlement and Stay Briefing Schedule, filed on January 3, 2018. You argued that the parties were very close to settlement, but needed assistance resolving issues in the language of the settlement documents.

On February 1, 2018, the Supreme Court denied your January 3, 2018, motion and ordered you to file the Opening Brief and Appendix within eleven (11) days or face additional sanctions, including possible dismissal of the appeal.

You did not file the Opening Brief, but you did file a Motion for Reconsideration on February 13, 2018. The Motion was denied in an Order filed March 7, 2018, and you were directed to file the Opening Brief and Appendix within eleven (11) days.

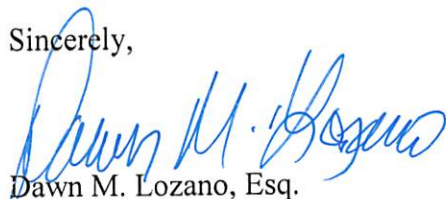
On May 14, 2018, as you had still not filed the Opening Brief, the Supreme Court filed an Order Imposing Sanctions and Referring Counsel to the State Bar of Nevada. You also were ordered to pay \$500 to the Supreme Court Law Library and given another eleven (11) days to file the Opening Brief or a motion to dismiss the appeal.

On May 25, 2018, you filed proof of the payment of the fine and a Notice of Withdrawal of the Appeal. Your motion was granted on June 4, 2018, and the case was closed.

Opposing counsel in the appellate matter did not oppose any motions which you filed with the Supreme Court. Further, with your response to the State Bar, you presented declarations from your clients which stated that you followed their directions for the case and pursuit of a settlement.

Accordingly, you are hereby Reprimanded for violating Rule of Professional Conduct 1.3 (Diligence) and RPC 3.4(c) (Fairness to Opposing Party and Counsel). You also are assessed costs of \$1,500 pursuant to Supreme Court Rule 120 (Costs).

Sincerely,



Dawn M. Lozano, Esq.
Formal Hearing Panel Chair