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IN THE SUPREME COURT OF THE
STATE OF NEVADA

FILED

JUL 07 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. T. Bloom
DEPUTY CLERK

* * * * *

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT
of the State of Nevada, in and for the
County of Clark, Honorable Nancy Saitta,
District Judge,

Respondent,

and

GILBERT P. HYATT,

Real Party in Interest.

Case No.: 35549 and 36390

**FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA'S MOTION TO
CONSOLIDATE WRIT**

Pursuant to NRAP 27, Petitioner Franchise Tax Board of the State of California hereby files this

Motion to Consolidate its Petition for Writ of Mandamus, or in the Alternative, for Writ of Prohibition

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

1 filed on July 7, 2000, Case No. 36390 (hereinafter referred to as the "Jurisdictional Writ") and
2 its Petition for Writ of Mandamus, or in the Alternative, for Writ of Prohibition filed on January 27,
3 2000, case No. 35549 (hereinafter referred to as the "Discovery Writ").

4 It is in the interests of judicial economy to consider the Discovery Writ and the Jurisdictional
5 Writ simultaneously. The factual history underlying both writ petitions is the same, and that factual
6 history is detailed and complicated, as is evident from the statement of facts set forth in each writ
7 petition.

8 Additionally, if this Court grants the Franchise Tax Board's request for a writ of mandamus
9 ordering dismissal in the Jurisdictional Writ, the Discovery Writ will be moot. Therefore, by
10 considering the Jurisdictional Writ and the Discovery Writ simultaneously, this Court can adjudicate
11 both of the writ petitions more efficiently.

12 Such consolidation will not prejudice Respondent Gilbert Hyatt. Should the Court entertain the
13 Franchise Tax Board's Jurisdictional Writ, Hyatt will have to answer to both writ petitions whether or
14 not they are consolidated. Hyatt's answer to the Discovery Writ is due today, and consolidation would
15 allow both writ petitions to be adjudicated during the current Court-ordered stay of lower court
16 proceedings. This eliminates the possibility of consecutive different stays for each writ petition.

17 Based on these factors, the Franchise Tax Board requests consolidation of the Jurisdictional Writ
18 and the Discovery Writ.

19 DATED this 7th day of July, 2000.

20 McDONALD CARANO WILSON McCUNE
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21 By 

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CERTIFICATE OF MAILING

I hereby certify that I am an employee of McDonald Carano Wilson McCune Bergin Frankovich & Hicks LLP, and that I caused to be served a true and correct copy of the foregoing **FRANCHISE TAX BOARD OF THE STATE OF CALIFORNIA'S MOTION TO CONSOLIDATE PETITIONS FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF PROHIBITION** on this 7th day of July, 2000, by depositing same in the United States Mail, postage prepaid thereon to the addresses noted below, upon the following:

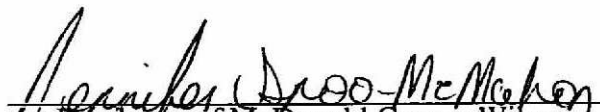
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Honorable Nancy Saitta
Eighth Judicial District Court
of the State of Nevada,
in and for the County of Clark
200 S. Third Street
Las Vegas, NV 89155


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