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Tracie K. Lindeman  
Clerk of Supreme Court

**SUPREME COURT  
OF THE STATE OF NEVADA**

RICHARD A. HUNTER, an individual,

Case No. 63804

Appellant,

v.

**Motion to Transfer Amended Notice  
of Appeal to Case No. 59691.**

WILLIAM GANG, an individual,

Respondent.

Appellant Richard A Hunter, by and through counsel, Greenberg Traurig, LLP, move this court for an order transferring the Amended Notice Appeal docketed in the above captioned case number to Case No. 59691, and to dismiss this appeal. As grounds therefore, Appellant states as follows:

1. Appellant herein is also the Appellant in Case No. 59691, with both matters arising out of Eight Judicial District Court Case. No. A-09-604877-C.

2. Case no. 59691 originated from the appeal of an order dismissing Appellant's complaint.

3. Subsequent to that dismissal, the District court entered an order granted Respondent attorneys fees and costs.

1           4.     Appellant amended the notice of appeal from which Case No. 59691  
2 originated to include the subsequent attorneys' fees order, with only the date of the  
3 Notice of the Entry of the Order left blank.

4           5.     However, Respondent did not file a notice of entry of order of the fee  
5 award. As a result, the deadline to file the amended notice of appeal was not  
6 triggered, and the amended notice of appeal was not completed and filed.

7           6.     The lack of a notice of entry of order was discovered during  
8 preparation of the appendix in this matter on August 12, 2013.

9           7.     On August 13, 2013, Appellant undertook to file the delayed notice of  
10 entry of order, and on the same day, also filed an Amended Notice of Appeal  
11 challenging the attorney fee award.

12          8.     The Amended notice of appeal conformed to the requirements of  
13 NRAP 4

14          9.     Appellant challenges the propriety of the attorney's fee and costs  
15 award on 2 grounds: 1) the order should be reversed because it is based on an  
16 improper dismissal of the complaint, and 2) a lack of evidence in the record to  
17 support the findings therein. Thus, one ground for the challenge can be determined  
18 only with reference to the appeal in Case No. 59691.

19          10.    Appellant's Opening Brief in Case No. 59691, filed August 14, 2013,  
20 includes the arguments addressing the challenged attorney fees challenging the  
21 attorney fee order.

22          11.    On August 14, 2013, Appellant learned that this Court had docketed  
23 the amended notice of appeal as a new and separate appeal, rather than as a part of  
24 the existing appeal.

25          12.    Appellant has paid the requested fee for a new appeal.  
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27  
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1           13. Pursuant to this Court's order dated August 14, 2013, Appellant has  
2 also filed the required Case Appeal Statement, and will, if no ruling is made prior to  
3 the deadline for such filing, file the Docketing Statement.

4           14. However, judicial economy would best be served by permitting these  
5 two issues to be resolved together in one appeal. The issues are inextricably  
6 entwined; indeed, this Court could not determine the propriety of the costs awarded  
7 herein to Respondent as prevailing party without first reviewing the propriety of the  
8 dismissal of the complaint. Moreover, Appellant has already briefed the issues  
9 raised in this appeal, in the Opening Brief in Case. No.59691, and Appellant had  
10 properly filed an amended notice of appeal as required to vest this Court with  
11 jurisdiction over the issues.

12           Accordingly, for the reasons set forth above, Appellant respectfully requests  
13 that this Court direct the clerk of this Court to (1) transfer to Docket No. 59691 the  
14 amended notice of appeal, (2) refund the filing fee paid in Docket No. 62832; and  
15 (3) administratively close Docket No. 63804.

16           Respectfully submitted this 20<sup>th</sup> day of August 2013.

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18           **GREENBERG TRAURIG, LLP**

19           

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**CERTIFICATE OF SERVICE**

This is to certify that on August 20, 2013, a true and correct copy of the foregoing **Motion to Transfer Amended Notice of Appeal to Case No. 59691**, was served by United States Mail, first class, on counsel of record for all parties to the action below in this matter, as follows:

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An employee of GREENBERG TRAURIG