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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 CONSOLIDATE
WITH CASE NO. 59691**

WILLIAM GANG, an individual,

Respondent.

Appellant Richard A Hunter, by and through counsel, Greenberg Traurig, LLP, moves this court for an order consolidating this matter with Case No. 59691. As grounds therefore, Appellant states as follows:

1. Appellant and Respondent herein are also the Appellant and Respondent 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 timely appeal of an order dismissing Appellant's complaint.

3. Subsequent to that dismissal, the District court entered an order granting Respondent attorney's fees and costs, which order is the subject of this appeal. While the appeal of this order had originally been filed as an amendment to

1 the Notice of Appeal in Case No. 59691, this Court ordered that such amendment
2 be docketed as a separate appeal, and denied a subsequent motion to recategorize
3 the Notice of Appeal, while ordering Appellant to pay the docketing fee for this
4 matter.

5 4. Appellant has paid the requested fee.¹

6 5. Appellant's Opening Brief in Case No. 59691, filed August 14, 2013,
7 included the arguments addressing the challenged attorney fees order.

8 6. Respondent's Answer Brief in Case No. 59691 was submitted to this
9 Court on March 3, 2014, although it apparently has not yet been deemed to have
10 been filed, presumably pending ruling on Respondent's unopposed Motion for
11 Extension. While Appellant has not yet received a copy of said Answer Brief,
12 Respondent's counsel has informed Appellant's counsel that the Answer Brief
13 addressed Appellant's arguments regarding the attorney fees issue.

14 7.. Given that both Parties have briefed the issue of the propriety of the
15 attorney fee order that is the subject of the present appeal in Case No. 59691, with
16 the only remaining brief to be filed is Appellant's Reply in Case No. 59691,
17 judicial economy would best be served by permitting these two issues to be
18 resolved together in one appeal. The issues are inextricably entwined; indeed, this
19 Court could not determine the propriety of the costs or fees awarded herein to
20 Respondent as prevailing party without first reviewing the propriety of the dismissal
21 of the complaint.

22 Accordingly, for the reasons set forth above, Appellant respectfully request

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¹ In the prior motion, Appellant's counsel had erroneously advised that the fee had already been paid. Counsel apologizes for the error.

1 that this Court consolidate this matter with Case No. 59691.

2 Respectfully submitted this 27th day of March 2014.

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4 **GREENBERG TRAURIG, LLP**

5 /s/ Tami D. Cowden

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11 *Attorneys for Appellant Richard*
12 *Hunter*

CERTIFICATE OF SERVICE

This is to certify that on March 27, 2014, a true and correct copy of the foregoing **Motion to Consolidate With 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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/s/ S. Renee Hoban
An employee of GREENBERG TRAURIG