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IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND DELUCCHI and TOMMY
HOLLIS,

Appellants,

v.

PAT SONGER,

Respondents

Case No.: 68994
District Court Case No.: CV35969

**PAT SONGER'S OPPOSITION TO
MOTION TO VACATE ORAL
ARGUMENTS AND
CONSOLIDATE WITH NEVADA
SUPREME COURT DOCKET NO.
67414**

Pat Songer, by and through his attorneys of record of Lipson, Neilson, Cole, Seltzer & Garin, P.C. and files this Opposition to Motion to Vacate Oral Arguments and Consolidate with Nevada Supreme Court Docket No. 68994, and is based on the following memorandum and all papers and pleadings on file herein.

Dated this 18th day of April, 2016.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 

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MEMORANDUM OF POINTS AND AUTHORITIES

Pat Songer has filed a Motion to Reconsider Motion for Reconsideration by The Full Court Per Rule 27(c)(2) in Case No. 67414 and basis this opposition on that pending motion. Mr. Songer is entitled to review of the denial pursuant to NRAP 27(c)(2) and thus the future of appeal No. 68994 is uncertain. Thus, any consolidation at this juncture would be premature.

As consolidation would be premature, so too would vacating the oral arguments scheduled for May 10, 2016. Mr. Delucchi and Mr. Hollis' pending appeal in case No. 68994 is an untimely second appeal on the issue of anti-SLAPP. Mr. Songer's pending appeal is the only valid appeal from a final judgment on this case and thus oral arguments on the issue of the prevailing market rate for attorney's fees can, and should, proceed in due course. Should the Court dismiss the untimely appeal, then the only issue left to resolve would be the one on the prevailing market rate. Thus, Mr. Songer asks this Court deny this motion.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2016, service of the foregoing **PAT SONGER'S OPPOSITION TO MOTION TO VACATE ORAL ARGUMENTS AND CONSOLIDATE WITH NEVADA SUPREME COURT DOCKET NO. 68994** was made by the Supreme Court's electronic filing system to the email address registered to:

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Attorneys for Appellants

/s/ Joanna F. Alo-Sitagata

An Employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.