

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT H. CAPANNA, M.D.,
Appellant/Cross-Respondent,

vs.

BEAU R. ORTH,
Respondent/Cross-Appellant.

ALBERT H. CAPANNA, M.D.,
Appellant,

vs.

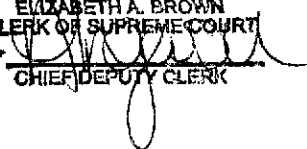
BEAU R. ORTH,
Respondent.

No. 69935

No. 70227

FILED

OCT 03 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING MOTION

Docket No. 69935 is an appeal and cross-appeal from a judgment on a jury verdict in a medical malpractice action. Docket No. 70227 is an appeal from orders awarding attorney fees and granting in part and denying in part a motion to retax costs.

Appellant/cross-respondent has filed a motion to dismiss the cross-appeal in Docket No. 69935. The motion is opposed, and appellant/cross-respondent has filed a reply. We deny the motion without prejudice. We do so because the briefing in this case has nearly concluded. While the notice of cross-appeal may have been unnecessary, it is, at this point, appropriate to leave it to the merits panel that will decide the case to resolve whether to reach and resolve the issues addressed in the cross-

appeal briefs. Accordingly, we deny the motion to dismiss cross-appeal without prejudice.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Lauria Tokunaga Gates & Linn, LLP/Las Vegas
Lemons, Grundy & Eisenberg
Eglet Prince