

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS A. HUERTA, AN  
INDIVIDUAL; AND GO GLOBAL, INC.,  
A NEVADA CORPORATION,

Appellants,

vs.

SIG ROGICH, A/K/A SIGMUND  
ROGICH, AS TRUSTEE OF THE  
ROGICH FAMILY IRREVOCABLE  
TRUST; ELDORADO HILLS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,

Respondents.

No. 70492

FILED

OCT 06 2016

TRACIE K. INDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]* DEPUTY CLERK

*ORDER DENYING MOTION AND REINSTATING BRIEFING*

This is an appeal from an order denying a motion for reconsideration of an order granting partial summary judgment and “all judgments and orders in this case,” and “all rulings and order made appealable by any of the foregoing.” Because it appeared that the motion for reconsideration had been untimely filed and had therefore not tolled the time to appeal the summary judgment, this court, on July 6, 2016, entered an order to show cause directing appellants to demonstrate this court’s jurisdiction. See NRAP 4(a)(6); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010); *Morrell v. Edwards*, 98 Nev. 91, 93, 640 P.2d 1322, 1324 (1982). Respondents have also filed a motion to dismiss the appeal on the ground that the order is not appealable as a special order after final judgment because in denying the motion the court did not affect the rights or obligations of the parties arising from the underlying summary judgment. See *Gumm v. Mainor*, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002) (providing that an appealable special order after final judgment must affect the rights of a

party arising from the judgment previously entered). Appellants have responded to our order and oppose the motion to dismiss. Respondents have filed a reply to the motion.

In their response to the order to show cause and opposition to the motion to dismiss, appellants represent that their motion for reconsideration was based in part on NRCP 60(b). An order denying a motion for relief pursuant to NRCP 60(b) is independently appealable. See NRAP 3A(b)(8); *Holiday Inn v. Barnett*, 103 Nev. 60, 63, 732 P.2d 1376, 1378-79 (1987) (order denying a motion to set aside under NRCP 60(b) is appealable as special order after final judgment).

Accordingly, we deny the motion to dismiss, and we conclude that this appeal may proceed without prejudice to our right to revisit the question of jurisdiction as briefing continues. We reinstate the briefing schedule as follows. Appellants shall have 15 days from the date of this order to file a transcript request form pursuant to NRAP 9.<sup>1</sup> Appellants shall have 90 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

Cherry, J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

<sup>1</sup>If no transcripts are to be requested, appellants shall file a certificate to that effect within the same time period. See NRAP 9.

cc: Schwartz Flansburg PLLC  
Law Office of Andrew M. Leavitt, Esq.  
Fennemore Craig, P.C./Las Vegas