

Vacated per order filed on 7/5/19.

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN LAS VEGAS, LLC, D/B/A WYNN
LAS VEGAS,
Appellant,
vs.
YVONNE O'CONNELL, AN
INDIVIDUAL,
Respondent.

YVONNE O'CONNELL, AN
INDIVIDUAL,
Appellant,

vs.
WYNN LAS VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY, D/B/A
WYNN LAS VEGAS,
Respondent.

No. 70583

FILED

JAN 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

No. 71789

ORDER GRANTING PETITION FOR REVIEW IN DOCKET NO. 70583

Docket No. 70583 is an appeal from a final judgment in a tort action. The court of appeals affirmed the judgment in an unpublished decision. Appellant Wynn Resorts then filed a petition under NRAP 40B seeking this court's review. At our direction, respondent Yvonne O'Connell has filed a response to the petition.

Having considered the petition and response, we conclude that our review is warranted as to the issues involving the evidence that may establish constructive notice of a hazardous condition. *See* NRAP 40B(a)(1). We therefore grant the petition in Docket No. 70583 as to those issues.¹ *See*

¹The petition for review does not address Docket No. 71789. The court of appeals deconsolidated the appeals for purposes of disposition, resolving Docket No. 71789 in a published opinion. *See O'Connell v. Wynn Las Vegas*, 134 Nev., Adv. Op. 67, 429 P.3d 664 (2018). Because neither party has

NRAP 40B(g) ("The Supreme Court may limit the question(s) on review.").
This matter will be decided based on the record and briefs previously filed.
Id.

It is so ORDERED.²

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

cc: Hon. Carolyn Ellsworth, District Judge
Nettles Law Firm
Semenza Kircher Rickard,
Eighth District Court Clerk

sought our review in Docket No. 71789, we deconsolidate the appeals for all further appellate purposes.

²The Honorable Mark Gibbons, Chief Justice, did not participate in the decision of this matter. The Honorable Abbi Silver, Justice, voluntarily recused herself.