

**In the Supreme Court of Nevada**

JARED AWERBACH, individually,  
Appellant,

*vs.*

EMILIA GARCIA,  
Respondent.

Electronically Filed  
Sep 11 2017 08:04 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONSE TO ORDER TO SHOW CAUSE**

In its order to show cause of May 10, 2017, the Court points out that appellant appealed from a jury verdict (which is not substantively appealable) and that no final judgment on the jury verdict had been entered. The Court also notes that appellant appealed from a decision to deny a renewed motion for judgment as a matter of law and that such rulings are not substantively appealable.

The district court recently entered a final judgment on that jury verdict. (*See* Exhibit 1 (the judgment and order are attached to an amended notice of appeal).) Appellant has filed an amended notice of appeal from the final judgment. (*Id.*) The appeal from the judgment provides jurisdiction for this Court to consider the various pre-trial rulings of which appellant sought review by appealing from the verdict.

(*See Williams v. Eight Judicial Dist. Court*, 127 Nev. \_\_\_, 262 P.3d 360, 365 (2011) (evidentiary rulings usually reviewed following an adverse final judgment).) An appeal from the final judgment also is the appropriate vehicle for appellate review of the sufficiency of evidence to support a claim (judgment as a matter of law). (*See Uniroyal Goodrich Tire v. Mercer*, 111 Nev. 318, 320 n. 1, 890 P.2d 785, 790 n. 1 (1995).) Therefore, the jurisdictional defects raised by the Court are resolved by the entry of the final judgment.<sup>1</sup> The appeal should proceed.

Dated this 8th day of September, 2017.

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<sup>1</sup> It has also been a jurisdictional problem that the district court had not entered an order formally denying appellant's motion for new trial, although the Court did not raise that issue in the order to show cause. The district court's order resolving the motion cures that defect as well. (NRAP 3A(b)(2).)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2017, I submitted the foregoing “Response to Order to Show Cause” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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*/s/ Jessie M. Helm*  
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