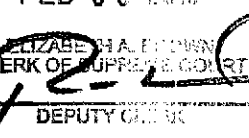


IN THE SUPREME COURT OF THE STATE OF NEVADA

JARED AWERBACH, INDIVIDUALLY,  
Appellant/Cross-Respondent,  
vs.  
EMILIA GARCIA,  
Respondent/Cross-Appellant,  
and  
ANDREA AWERBACH,  
INDIVIDUALLY,  
Respondent.

No. 71348

FILED  
FEB 08 2018  
ELIZABETH HALEY DUNN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER TO SHOW CAUSE*

This is an appeal from a jury verdict, an August 12, 2016, district court "Order re: Post-Trial Motions," and an oral decision to deny a renewed motion for judgment as a matter of law. This is also a cross-appeal from several district court orders, including an August 18, 2017, judgment upon the jury verdict and an August 21, 2017, order vacating the judgment as to appellant/cross-respondent and certifying the judgment as final under NRCP 54(b) as to respondent Andrea Awerbach. When our initial review of the docking statement and documents before this court revealed potential jurisdictional defects, we ordered appellant/cross-respondent to show cause why his appeal should not be dismissed for lack of jurisdiction. Specifically, it did not appear that the jury verdict or the oral denial of the motion for judgment as a matter of law were substantively appealable. In response to our order, appellant/cross-respondent filed an amended notice of appeal. Therein, appellant/cross-respondent states he appeals from the August 12, 2016, order, the August 18, 2017, judgment on jury verdict, and the August 21, 2017, order vacating judgment.

Appellant/cross-respondent asserts that the judgment on jury verdict is a final judgment and entry of that judgment resolves any jurisdictional concerns. However, the response raises additional jurisdictional concerns. First, while the August 18, 2017, judgment appears to resolve all claims against all parties, that judgment was vacated as to appellant/cross-respondent by the August 21, 2017, order. Thus, it appears that this court cannot grant appellant/cross-respondent any effective relief with respect to that judgment and any challenge to that judgment by appellant may be moot. See *Univ. Sys. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004). It is also unclear whether the judgment retained its status as a final judgment as to appellant/cross-respondent once it was vacated. Second, it is not clear that appellant/cross-respondent is aggrieved by the August 21, 2017, order because that order vacates the judgment against him. See NRAP 3A(a) (allowing an appeal by an aggrieved party). The basis for appealing that order is also unclear. See *TRP Int'l. v. Proimtu MMI LLC*, 133 Nev., Adv. Op. 13, 391 P.3d 763, 765 (2017) ("An order granting a motion to amend or reconsider and vacating a final judgment is not appealable as a special order after final judgment.").

As for the cross-appeal, as stated above, it is unclear whether the August 18, 2017, judgment is appealable as a final judgment as to appellant/cross-respondent where it was vacated by the August 21, 2017, order. It also appears that respondent/cross-appellant may not be aggrieved by the judgment as it relates to appellant/cross-respondent as judgment was entered in favor of respondent/cross-appellant. It further appears that respondent/cross-appellant is not aggrieved by the August 21, 2017, order vacating the judgment where that order was based upon the grant of respondent/cross-appellant's motion for a new trial. Finally, also as noted

above, it is not clear that the August 21, 2017, order is appealable as a special order after final judgment where the final judgment was vacated in part.

Accordingly, appellant/cross-respondent and respondent/cross-appellant shall each have 30 days from the date of this order to show cause why the appeal should not be dismissed and the cross-appeal dismissed in part for lack of jurisdiction. We caution the parties that failure to demonstrate that this court has jurisdiction may result in the dismissal of the appeals in whole or in part. Briefing remains suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas  
Resnick & Louis, P.C.  
Glen J. Lerner & Associates  
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