

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER GARDNER; CHRISTIAN
GARDNER, ON BEHALF OF MINOR
CHILD, LELAND GARDNER,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JERRY A. WIESE, DISTRICT JUDGE,

Respondents,

and

HENDERSON WATER PARK, LLC,
D/B/A COWABUNGA BAY WATER
PARK; WEST COAST WATER PARKS,
LLC; AND DOUBLE OTT WATER
HOLDINGS, LLC,

Real Parties in Interest.

PETER GARDNER; AND CHRISTIAN
GARDNER, ON BEHALF OF MINOR
CHILD, LELAND GARDNER,

Appellants,

vs.

HENDERSON WATER PARK, LLC,
D/B/A COWABUNGA BAY WATER
PARK, A NEVADA LIMITED
LIABILITY COMPANY; WEST COAST
WATER PARKS, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
DOUBLE OTT WATER HOLDINGS,
LLC, A UTAH LIMITED LIABILITY
COMPANY,

Respondents.

No. 70823

FILED

DEC 15 2016

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

No. 71652 ✓

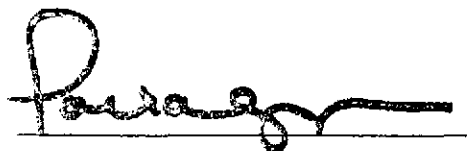
ORDER DENYING MOTION AND REINSTATING BRIEFING

Docket No. 70823 is a petition for a writ of mandamus
challenging a district court order denying petitioners' motion for leave to

file an amended complaint. Docket No. 71652 is an appeal from an order granting summary judgment certified as final pursuant to NRCP 54(b). Although these matters arise from the same district court case and involve the same parties, briefing is completed in Docket No. 70823, and the opening brief has yet to be filed in Docket No. 71652. Accordingly, we deny petitioners/appellants' opposed motion to consolidate these matters at this time. NRAP 3(b). Although we decline to consolidate the two cases, they will nevertheless be clustered based on the related subject matter and parties to ensure that the writ petition and the appeal are resolved in a consistent and efficient manner. *See* IOP 2(c)(2).

We reinstate the briefing schedule in Docket No. 71652 as follows. Appellants shall have 15 days from the date of this order to comply with NRAP 9(a), and shall have until March 7, 2017, to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

, C.J.

cc: Campbell & Williams
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas