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4 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed
Oct 18 2017 08:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5
6 ELIZABETH C. HOWARD,
7 an individual,
8 Appellant,

No. 72685

9 v.

10 SHAUGHAN L. HUGHES,
11 Respondent.

12 ELIZABETH C. HOWARD,
13 an individual,
14 Appellant,

15 v.

No. 72965

16 SHAUGHAN L. HUGHES,
17 Respondent.
18

19 **APPELLANT’S OPPOSITION TO RESPONDENT’S MOTION TO**
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21 **BIFURCATE AND REINSTITUTE BRIEFING**

22 Two cases may be consolidated in the interest of judicial economy when
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24 both involved essentially the same parties, witnesses, and circumstances. *See*
25 *Carter v. State*, 102 Nev. 164, 166, 717 P.2d 1111, 1111 (1986) (considering
26 consolidated criminal trials). The district courts enjoy broad discretion to
27
28 consider consolidating cases. *Marcuse v. Del Webb Communities, Inc.*, 123 Nev.

1 278, 286, 163 P.3d 462, 468 (2007). The Court should allow its own order the
2 same deference.
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4 On July 19, 2017, this Court consolidated case numbers 72965 and 72685
5 “in the interest of judicial economy.” *See* July 19, 2017 Order Consolidating
6 Appeals and Reinstating Briefing, p.1. Respondent moves the Court to bifurcate
7 the appeals, reinstitute briefing, and effectively re-litigate the Court’s prior
8 determination. The motion asks this Court to reconsider the same facts, rewind
9 its earlier Order, and revise its analysis of judicial economy. The motion is
10 inapposite of judicial economy. This Court should not be asked to reiterate it
11 same Order. If case is to move forward, then this Court cannot repeatedly review
12 the same facts and reach requested inconsistent result. Respondent should accept
13 this Court’s prior Order and move on.
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18 Judicial economy is weighed against possible prejudice when deciding
19 whether severance is appropriate. *See e.g. Tabish v. State*, 119 Nev. 293, 306, 72
20 P.3d 584, 592 (2003) (considering consolidated criminal trials). In this appeal,
21 the possibility of prejudice is low. The Appellate bench simply is not susceptible
22 to the same prejudice as a jury at criminal trial. Moreover, the Court’s analysis
23 on July 19 applies equally now. No new intervening facts changed the parties’
24 positions or interests. This Court considered the same facts when consolidating
25 the appeals for the purpose of judicial economy, and the status quo remains at
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1 present. The Court's consideration on July 19 of the facts, judicial economy, and
2 any prejudice is equally applicable now.
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4 The Court's stated interest in judicial economy is best served without
5 reviewing the same facts, and Respondent's motion should therefore be
6
7 DENIED.

8 **Pursuant to NRS 239B.030: The undersigned does hereby affirm that**
9
10 **the within document does not contain the social security number of any**
11 **person.**

12 Dated this 17th day of October 2017.
13

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Allison & MacKenzie, LTD./Justin M. Townsend, Esq.

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