

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
THELMA AILENE SARGE.

No. 73286

ESTATE OF THELMA AILENE SARGE;
ESTATE OF EDWIN JOHN SARGE;
AND BY AND THROUGH THE
PROPOSED EXECUTRIX, JILL SARGE,
Appellants,

vs.

QUALITY LOAN SERVICE
CORPORATION; AND ROSEHILL, LLC,
Respondents.

FILED

MAY 09 2018

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

ORDER TO FILE SUPPLEMENTAL BRIEFS

Appellants filed three separate complaints related to certain real property in the district court. The complaints were assigned case numbers 16 RP 000091B, 16 PBT 00107 1B, and 16 PBT 00108 1B and later consolidated, presumably pursuant to NRCP 42(a). Appellants appeal from a district court order resolving the complaint in case 16 RP 000091B.

In *Mallin v. Farmers Insurance Exchange*, 106 Nev. 606, 609, 797 P.2d 978, 980 (1990), we held that “when cases are consolidated by the district court, they become one case for all appellate purposes. Thus, an order which resolves less than all of the claims in a consolidated action is not appealable as a final judgment absent NRCP 54(b) certification from the district court.” Because it did not appear that the challenged order, or any other order, formally resolved the complaints in 16 PBT 00107 1B and 16 PBT 00108 1B, we ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction.

After we issued our order and appellants filed their response, the Supreme Court of the United States issued an opinion concluding that cases consolidated under FRCP 42(a) retain their separate identities such that a final decision in one of the consolidated cases is immediately appealable. *Hall v. Hall*, 584 U.S. ___, ___ S. Ct. ___ (2018). Federal cases interpreting the Federal Rules of Civil Procedure provide “strong persuasive authority” when this court interprets its rules. *Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (internal quotation marks omitted). Accordingly, we conclude that supplemental briefing is warranted to discuss the impact of *Hall* on our interpretation of NRCP 42(a). The parties should specifically address whether, in light of *Hall*, cases consolidated in the district court should continue to be treated as a single case for appellate purposes.

Appellants shall have 15 days from the date of this order to file and serve their supplemental brief. Respondents shall have 10 days from service of appellants’ brief to file and serve their supplemental brief. The supplemental briefs shall not exceed 15 pages or 7,000 words.

It is so ORDERED.

Pickering, J.

cc: T M Pankopf PLLC
Walsh, Baker & Rosevear, P.C.
McCarthy & Holthus, LLP/Las Vegas