

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES J. COTTER, JR., DERIVATIVELY	)	Electronically Filed
ON BEHALF OF READING	)	Nov 30, 2018 02:33 p.m.
INTERNATIONAL, INC.,	)	Supreme Court Case No. 75053
	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
Appellant,	)	
v.	)	Case No. A-15-719860-B
	)	Coordinated with:
	)	Case No. P-14-0824-42-E
EDWARD KANE, DOUGLAS	)	
McEACHERN, WILLIAM GOULD, JUDY	)	<b>MOTION TO RECONSIDER</b>
CODDING, AND MICHAEL	)	<b>ORDER REINSTATING BRIEFING</b>
WROTNIAK, READING	)	<b>AND COORDINATE BRIEFING</b>
INTERNATIONAL, INC., A NEVADA	)	<b>WITH CASE NO. 76981</b>
CORPORATION,	)	
	)	
Respondents.	)	

MORRIS LAW GROUP  
Steve Morris, Bar No. 1543  
Akke Levin, Bar No. 9102  
411 E. Bonneville Ave., Ste. 360  
Las Vegas, Nevada 89101  
Telephone: (702) 474-9400  
Facsimile: (702) 474-9422

YURKO, SALVESEN & REMZ, P.C.  
Mark G. Krum, Bar No. 10913  
Noemi Ann Kawamoto (*admitted  
pro hac vice*)  
1 Washington Mall, 11th Floor  
Boston, MA 02108  
Telephone: (617) 723-6900

Attorneys for Appellant, James J. Cotter, Jr.

Appellant James J. Cotter Jr. ("Cotter Jr.") by and through his undersigned counsel, moves the Court under NRAP 31(a) for reconsideration of the Court's November 20, 2018 order reinstating briefing ("November 20 Order") in this case for the following reasons:

**A. The scope of the pending appeals.**

1. This appeal, Case No. 75053, is from a portion of the district court's December 28, 2017 order granting summary judgment against Cotter Jr. and in favor of five of the eight individual defendants, which order was certified as final on January 4, 2018.

2. Appeal Case No. 76981 is from the district court's August 14, 2018 findings of fact and conclusions of law ("FFCL"), granting summary judgment against Cotter Jr. and in favor of the remaining three individual defendants—*i.e.*, Ellen Cotter, Margaret Cotter, and Guy Adams. This appeal is *not* from and does not include "the order awarding attorneys fees and costs," as the Court stated in its November 20 Order, at 1. The district court did not award attorneys' fees in this case, and only recently entered its judgment awarding costs. Cotter Jr. has not yet appealed from the November 6 cost judgment, which is currently the subject of a motion for reconsideration.

3. On November 20, 2018, Cotter Jr. moved to consolidate Appeal Case Nos. 75053 and 76981 based on the overlapping and common legal issues in the two appeals and sought a single briefing schedule for the consolidated appeals to promote efficiency in the appellate process for the Court and for the Parties.

4. As the Court recognized in its November 20 Order, appeal Case No. 76981 "is assigned to the settlement program and set for a settlement conference on December 18, 2018 . . . ."

**B. Reasons why the Court should reconsider the November 20 Order.**

1. As stated in the parties' July 9, 2018 Joint Stipulation to Suspend Briefing and in Cotter Jr.'s Motion to Consolidate, consolidation of the two pending appeals will promote efficiency in the appellate process for the Court and for the parties. Rather than having two related appeals proceed separately against two related sets of individual defendants on overlapping and common legal issues, a single appeal and briefing schedule will bring all the issues before the Court in one set of briefs and appendix in one proceeding.

2. The Court's November 20 Order, which sets a separate briefing schedule in Case No. 75053, would frustrate this goal, as well as run counter to the parties' attempt to resolve their disputes at the upcoming December 18, 2018 mediation in appeal Case No. 76981. Although no mediation was held in Case No. 75053, the parties view the upcoming mediation in Case No. 76981 as an opportunity to resolve both appeals.

3. Cotter Jr. therefore request the Court to reconsider its Order and suspend briefing in both appeals pending the outcome of the December 18, 2018 mediation.

Respectfully submitted,

MORRIS LAW GROUP

By: /s/ AKKE LEVIN  
Steve Morris, Bar No. 1543  
Akke Levin, Bar No. 9102  
411 E. Bonneville Ave, Ste. 360  
Las Vegas, Nevada 89101

YURKO, SALVESEN & REMZ, P.C.  
Mark G. Krum, Bar No. 10913  
Noemi Ann Kawamoto (*admitted pro hac vice*)  
1 Washington Mall, 11th Floor  
Boston, MA 02108

*Attorneys for Appellant, James J. Cotter, Jr*

## CERTIFICATE OF SERVICE

I certify that on the 30th day of November, 2018, I served a copy of **MOTION TO RECONSIDER ORDER REINSTATING BRIEFING AND COORDINATE BRIEFING WITH CASE NO. 76981** upon all counsel of record:

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es); via email and/or through the court's efilng service:

Stan Johnson  
Cohen-Johnson, LLC  
255 East Warm Springs Road, Ste. 110  
Las Vegas, NV 89119

Christopher Tayback  
Marshall Searcy  
Quinn Emanuel Urquhart & Sullivan LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
[christayback@quinnemanuel.com](mailto:christayback@quinnemanuel.com)  
[marshallsearcy@quinnemanuel.com](mailto:marshallsearcy@quinnemanuel.com)

*Attorneys for Respondents Edward Kane,  
Douglas McEachern, Judy Coddling, and  
Michael Wrotniak*

Ara H. Shirinian, Settlement Judge  
10651 Capesthorne Way  
Las Vegas, Nevada 89135  
[arashirinian@cox.net](mailto:arashirinian@cox.net)

Mark Ferrario  
Kara Hendricks  
Tami Cowden  
Greenberg Traurig, LLP  
10845 Griffith Peak Dr.  
Las Vegas, NV 89135

*Attorneys for Nominal  
Defendant Reading  
International, Inc.*

Dated this 30<sup>th</sup> day of November, 2018.

By: /s/ Patricia A. Quinn  
An employee of Morris Law Group