

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN  
ALLEN LYTLE, AS TRUSTEES OF THE  
LYTLE TRUST,

Appellants,

vs.

SEPTEMBER TRUST, DATED MARCH  
23, 1972; GERRY R. ZOBRIST; JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE  
GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST FAMILY TRUST; RAYNALDO  
G. SANDOVAL; JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES  
OF THE RAYNALDO G. AND EVELYN  
A. SANDOVAL JOINT LIVING TRUST  
AND DEVOLUTION TRUST DATED  
MAY 27, 1992; DENNIS A. GEGEN;  
AND JULIE S. GEGEN, HUSBAND  
AND WIFE, AS JOINT TENANTS,

Respondents.

TRUDI LEE LYTLE; JOHN ALLEN  
LYTLE; AND LYTLE TRUST,

Appellants,

vs.

SEPTEMBER TRUST, DATED MARCH  
23, 1972; GERRY R. ZOBRIST; JOLIN G.  
ZOBRIST, AS TRUSTEES OF THE  
GERRY R. ZOBRIST AND JOLIN G.  
ZOBRIST FAMILY TRUST; RAYNALDO  
G. SANDOVAL; JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES  
OF THE RAYNALDO G. AND EVELYN  
A. SANDOVAL JOINT LIVING TRUST  
AND DEVOLUTION TRUST DATED

No. 76198

**FILED**

JAN 28 2019

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

No. 77007

MAY 27, 1992; DENNIS A. GEGEN;  
AND JULIE S. GEGEN, HUSBAND  
AND WIFE, AS JOINT TENANTS,  
Respondents.

*ORDER CONSOLIDATING APPEALS AND REINSTATING BRIEFING*

Docket No. 77007 is an appeal from a district court order awarding attorney fees and costs. When initial review of the docketing statement and documents before this court revealed potential jurisdictional defects, this court ordered appellants to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, although a post-judgment order awarding fees and costs is appealable as a special order after final judgment, it appeared that the district court had not yet entered a final judgment resolving all claims in the consolidated district court cases. See NRAP 3A(b)(8); *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 609, 797 P.2d 978, 980 (1992) (“[W]hen cases are consolidated by the district court, they become one case for all appellate purposes.”). The slander of title claim and the cross-claim in case A-16-747800-C appeared to remain pending in the district court.

Since issuance of the order to show cause, this court overruled *Mallin* to the extent it held that all claims in consolidated district court cases must be resolved before a judgment is considered final; resolution of all claims in any of the constituent cases now constitutes a final judgment. *In re Estate of Sarge*, 134 Nev., Adv. Op. 105, \_\_\_ P.3d \_\_\_ (2018).

It appears from review of the documents before this court and the parties’ responses to the order to show cause that all claims in district

court case A-17-765372-C were resolved on May 24, 2018.<sup>1</sup> Thus, the order awarding attorney fees and costs is appealable as a special order after final judgment in case A-17-765372-C and this appeal may proceed. See NRAP 3A(b)(8).

Given that the appeals in Docket Nos. 76198 and 77007 involve the same parties and counsel and arise from the same district court case, we consolidate the appeals for all appellate purposes. NRAP 3(b)(2). Appellants shall have 30 days from the date of this order to file and serve the opening brief and appendix in Docket No. 77007. Respondents shall have 30 days from service of the opening brief in Docket No. 77007 to file and serve a single answering brief addressing all issues in these appeals. Appellants shall have 30 days from service of the answering brief to file and serve a single reply brief. Failure to comply with this order may result in the imposition of sanctions. NRAP 31(d).

It is so ORDERED.

 C.J.

cc: Hon. Mark B. Bailus, District Judge  
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas  
Christensen James & Martin  
Eighth District Court Clerk

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<sup>1</sup>It also appears that the district court has since entered a final judgment in district court case A-16-747800-C.