

IN THE SUPREME COURT OF THE STATE OF NEVADA

GAVIN COX; AND MIHN-HAHN COX,
HUSBAND AND WIFE,
Appellants,

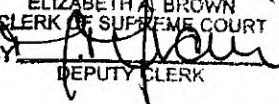
vs.

DAVID COPPERFIELD, A/K/A DAVID
S. KOTKIN; MGM GRAND HOTEL,
LLC; BACKSTAGE EMPLOYMENT
AND REFERRAL, INC.; DAVID
COPPERFIELD'S DISAPPEARING,
INC.; AND TEAM CONSTRUCTION
MANAGEMENT, INC.,
Respondents.

No. 76422

FILED

SEP 18 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

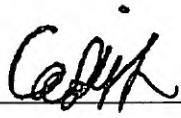
ORDER DENYING MOTION

Appellants have filed a motion for en banc reconsideration of this court's order entered August 11, 2023, denying their motion to recall the remittitur to allow them to present "new evidence" to the court. En banc reconsideration may be requested when seeking review of a decision of a panel of the Supreme Court. *See* NRAP 40A. Here, appellants are seeking review of the action of a single justice, not a panel of this court. Thus, their request for en banc reconsideration is inappropriate, and is therefore denied. Even if appellants' request for en banc reconsideration was appropriate at this juncture, they have failed to demonstrate that "(1) reconsideration by the full court is necessary to secure or maintain uniformity of decisions . . . , or (2) the proceeding involves a substantial precedential, constitutional or public policy issue." NRAP 40A(a).


A panel of this court may review the action of a single justice. *See* NRAP 27(c)(2). To the extent that appellants' motion can be construed as seeking reconsideration of this court's August 11, 2023, order entered by

a single justice, it is likewise denied. *See McConnell v. State*, 121 Nev. 25, 26, 107 P.3d 1287, 1288 (2005) (the party seeking reconsideration bears the burden of showing that this court overlooked or misapprehended a material point of law or fact).

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Gavin Cox
Mihn-Hahn Cox
Lewis Roca Rothgerber Christie LLP/Las Vegas
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
Selman Breitman, LLP/Las Vegas
Resnick & Louis, P.C./Las Vegas
Selman Breitman, LLP/Santa Ana
Henriod Law, PLLC
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