

JAMES J. COTTER, JR., derivatively on
behalf of Reading International, Inc.,

Appellant,

vs.

MARGARET COTTER, ELLEN COTTER,
GUY ADAMS, EDWARD KANE,
DOUGLAS McEACHERN, WILLIAM
GOULD, JUDY CODDING, MICHAEL
WROTNIAK,

Respondents.

and

READING INTERNATIONAL, INC., a
Nevada corporation,

Nominal Defendant.

Supreme Court Case No. 76981

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Elizabeth A. Brown
Clerk of Supreme Court
Case No. A-15-71980-B
Coordinated with:

Case No. P-14-0824-42-E

**APPELLANT JAMES J. COTTER'S
MOTION TO CONSOLIDATE
APPEALS**

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Appellant James J. Cotter Jr. ("Cotter Jr.") hereby moves the Court under NRAP 3(b)(2) to consolidate this appeal, Case No. 76981, with appeal Case No. 75053, for the following reasons:

1. On January 4, 2018, the district court certified as final under Nev. R. Civ. P. 54(b) a portion of its December 28, 2017 order in Case No. A-15-719860-B that granted summary judgment in favor of respondents Douglas McEachern, Edward Kane, Judy Coddling, William Gould, Michael Wrotniak ("Respondents") on all of Cotter Jr.'s claims against them and dismissed them from the case.

2. On February 1, 2018, Cotter Jr. appealed from the district court's order dismissing Respondents.

3. On August 14, 2018, the district court entered its 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. Written notice of entry of the FFCL was served on August 16, 2018.

4. On September 13, 2018, Cotter Jr. appealed from the FFCL and judgment. *See* Case No. 76981.

5. On July 9, 2018, the parties to appeal Case No. 75053 filed a Joint Stipulation to Suspend Briefing, in which they agreed that consolidation of these two appeals would promote efficiency in the appellate process for the Court and for them. *See* July 9, 2018 Stipulation to Suspend Briefing, on file in Case No. 75053, ¶¶ 8-9 at 3. Rather than having two related appeals proceed separately against two related sets of individual defendants on overlapping 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. *Id.* ¶ 8.¹

WHEREFORE appellant James J. Cotter moves the Court to consolidate the appeals.

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¹ Undersigned counsel made several requests, consistent with the parties' Stipulation to Suspend Briefing, to file a joint motion for consolidation of the appeals but received no response.

CERTIFICATE OF SERVICE

I certify that on the 19th day of November, 2018, I served a copy of **APPELLANT JAMES J. COTTER'S MOTION TO CONSOLIDATE APPEALS** 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:

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