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9

Electronically Filed
Jan 13 2017 01:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
11

12 WYNN LAS VEGAS, LLC d/b/a WYNN
13 LAS VEGAS,

14 Appellant,

15 v.

16 YVONNE O'CONNELL, AN INDIVIDUAL,

17 Respondent.
18

Supreme Court Case No. 70583

District Court Case No. A655992

**JOINT MOTION TO CONSOLIDATE
APPEAL WITH APPEAL NUMBER
71789 AND SET REVISED BRIEFING
SCHEDULE**

19
20 The underlying case involves Respondent Yvonne O'Connell's ("O'Connell") alleged slip
21 and fall accident at Appellant Wynn Las Vegas, LLC's ("Wynn") Las Vegas resort on February 8,
22 2010. The parties' jury trial went forward November 4, 2015, through November 15, 2015. At
23 the conclusion of the trial, O'Connell was awarded damages for past and future pain and suffering
24 in the total amount of \$240,000.00. O'Connell was also awarded pre-judgment interest in the sum
25 of \$17,190.96, increasing the total judgment to \$257,190.96.

26 Following denial of Wynn's post-trial motions, Wynn filed its Notice of Appeal on June 8,
27 2016; Case No. 70583 (the "First Appeal"). The parties' completed their mandatory Supreme
28 Court settlement conference on August 30, 2016. Pursuant to this Court's Order Reinstating

1 Briefing, Wynn's Opening Brief was due December 5, 2016. On November 21, 2016, the parties
2 filed a Joint Motion to Continue Deadline for Opening Brief ("Joint Motion"). As the parties
3 stated in their Joint Motion, the extension was sought in order to provide sufficient time for the
4 parties to move for consolidation of a related appeal and "propose a reasonable briefing
5 schedule."

6 As noted in the Joint Motion, O'Connell submitted a Motion to Tax Costs and for Fees and
7 Post-Judgment Interest following the Judgment. Additionally, Wynn filed a Motion to Retax
8 Costs. On November 9, 2016, the District Court entered its Order "Partially Granting and
9 Partially Denying Defendant's Motion to Retax Costs and Plaintiff's Motion to Tax Costs and for
10 Fees, Costs and Post-Judgment Interest" (the "Costs and Fees Order"). Notice of entry of the
11 Costs and Fees Order was provided on November 10, 2015.

12 O'Connell filed a Notice of Appeal of the Costs and Fees Order on November 17, 2016,
13 and a Case Appeal Statement that same day; Case No. 71789 (the "Second Appeal"). On
14 December 1, 2016, the Court issued an Order exempting the Second Appeal from the Settlement
15 Program and setting a deadline for her Opening Brief.

16 The First Appeal and Second Appeal involve the same parties, same underlying facts, and
17 overlapping issues. Consolidation will serve the interests of judicial efficiency and reduce the
18 total number of briefs. Therefore, the parties respectfully request that these appeals be
19 consolidated. *See* NRAP 3(b)(2).

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In addition to consolidation, the parties also jointly request that a new briefing schedule be set. In particular, the parties would request that the Opening Brief under the consolidated appeal be due no sooner than the current deadline in the Second Appeal – *March 31, 2017*. This additional time is needed to, among other things, prepare an expanded Joint Appendix for the consolidated appeal.

DATED this 13th day of January, 2017.

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