

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES J. COTTER, JR.,
DERIVATIVELY ON BEHALF OF
READING INTERNATIONAL, INC.,
Appellant,

vs.

EDWARD KANE; DOUGLAS
MCEACHERN; WILLIAM GOULD;
JUDY CODDING; AND MICHAEL
WROTNIAK, READING
INTERNATIONAL, INC., A NEVADA
CORPORATION,

Respondents.

No. 75053

FILED

APR 18 2019

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

JAMES J. COTTER, JR.,
DERIVATIVELY ON BEHALF OF
READING INTERNATIONAL, INC.,
Appellant,

vs.

EDWARD KANE; DOUGLAS
MCEACHERN; WILLIAM GOULD;
JUDY CODDING; MICHAEL
WROTNIAK; AND READING
INTERNATIONAL, INC., A NEVADA
CORPORATION,

Respondents.

No. 76981

JAMES J. COTTER, JR.,
DERIVATIVELY ON BEHALF OF
READING INTERNATIONAL, INC.,
Appellant,

vs.

EDWARD KANE; DOUGLAS
MCEACHERN; JUDY CODDING;
MICHAEL WROTNIAK; AND READING
INTERNATIONAL, INC., A NEVADA
CORPORATION,

Respondents.

No. 77648

READING INTERNATIONAL, INC., A
NEVADA CORPORATION; MARGARET
COTTER; ELLEN COTTER; GUY

No. 77733

ADAMS; EDWARD KANE; DOUGLAS
MCEACHERN; JUDY CODDING; AND
MICHAEL WROTONIAK,

Appellants,

vs.

JAMES J. COTTER, JR.,
DERIVATIVELY ON BEHALF OF
READING INTERNATIONAL, INC.,

Respondent.

*ORDER CONSOLIDATING APPEALS, REINSTATING BRIEFING, AND
REGARDING MOTIONS*

Docket Nos. 75053 and 76981 are appeals from orders granting summary judgment in favor of respondents. Docket Nos. 77648 and 77733 are appeals from post judgment orders awarding attorney fees and costs. The settlement judge in Docket Nos. 76981 and 77733 has filed a report with this court indicating that the parties were unable to agree to a settlement of these matters.

The parties have moved to consolidate Docket Nos. 75053 and 76981 on the ground that they involve the same parties and the same underlying litigation. This court has determined that, in the interests of judicial efficiency, all four appeals shall be consolidated for disposition only. NRAP 3(b).

Counsel for Respondent Reading International, Inc. has filed a "Suggestion of Death on the Record," informing this court of the passing of William Gould, respondent in Docket Nos. 75053 and 76981 on August 6, 2018. Any judgment entered by this court in these appeals might not be binding upon the legal representative of Mr. Gould unless that representative is formally substituted as a party. *See Walker v. Burkam*, 68 Nev. 250, 256, 299 P.2d 158, 161-62 (1951). Accordingly, counsel for Mr.

Gould shall have 14 days from the date of this order to: (1) file a motion for substitution of the personal representative of Mr. Gould as a party in these appeals, (2) inform this court whether additional time is required for the substitution of a personal representative, or (3) inform this court that Mr. Gould has no personal representative. *See* NRAP 43(a)

In Docket No. 75053, the parties have filed motions to file certain portions of the joint appendix under seal. The parties represent that the documents were submitted to the district court and subject to a protective order. No oppositions have been filed. Cause appearing, the motions are granted. SRCR 7. The clerk of this court shall file the portions of the joint appendix received on February 4, 2019, under seal, and portions of volumes II, III and IV of respondents' appendix received on March 27, 2019, under seal. Appellant shall have until May 24, 2019, to file and serve a reply brief, if deemed necessary. Failure to file a reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c). The stipulations filed on January 31, 2019, and April 5, 2019, are denied as moot.¹

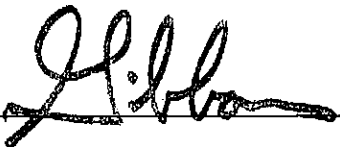
The settlement judge in Docket Nos. 76981 and 77648 has filed a report with this court indicating that the parties were unable to agree to a settlement of these matters. Accordingly, the deadlines for filing documents in these appeals are reinstated as follows. Appellant shall have 14 days from the date of this order to file and serve, in each appeal, a transcript request form or certificate that no transcript is requested. *See*

¹Pursuant to the substitution of counsel filed on January 24, 2019, in Docket No. 75053 by Steve Morris and Akke Levin of the Morris Law Group, the clerk of this court shall remove Noemi Ann Kawamoto, Mark Krum, and Yurko, Salvesen & Remz, P.C. from the docket as counsel for James Cotter.

NRAP 9. Appellant shall have 60 days from the date of this order to file and serve the opening briefs and appendices. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

Appellant in Docket No. 77733 is reminded that the opening brief and appendix remain due on or before May 3, 2019.

It is so ORDERED.

 C.J.

cc: Morris Law Group
Yurko, Salvesen & Remz, P.C.
Maupin, Cox & LeGoy
Quinn Emanuel Urquhart & Sullivan, LLP
Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg
& Rhow, P.C.
Cohen Johnson Parker Edwards
Greenberg Traurig, LLP/Las Vegas