

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY J. WILLARD, INDIVIDUALLY
AND AS TRUSTEE OF THE LARRY
JAMES WILLARD TRUST FUND; AND
OVERLAND DEVELOPMENT
CORPORATION, A CALIFORNIA
CORPORATION,

Appellants,

vs.


BERRY-HINCKLEY INDUSTRIES, A
NEVADA CORPORATION; AND JERRY
HERBST, AN INDIVIDUAL,

Respondents.

No. 77780

FILED

AUG 23 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER PARTIALLY DISMISSING APPEAL
AND REINSTATING BRIEFING*

This is an appeal from a district court order filed on March 6, 2018, an order denying an NRCP 60(b) motion entered November 30, 2018, and a judgment filed December 11, 2018. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Initial review of the documents before this court revealed a potential jurisdictional defect in regard to the March 6, 2018, order, and the December 11, 2018, judgment. Therefore, this court issued an order directing appellants to show cause why this appeal should not be dismissed in regard to those two orders. In response, appellants indicate that they are willing to abandon their appeal as it relates to the March 6, 2018, order, and the December 11, 2018, judgment, and they do not object to the partial dismissal of this appeal in regard to this order and judgment.

Accordingly, this appeal is dismissed in regard to the March 6, 2018, order, and the December 11, 2018, judgment only. This appeal shall proceed in regard to the November 30, 2018, order denying NRCP 60(b)

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relief, and the briefing schedule is reinstated as follows. Appellants shall have 7 days from the date of this order to file and serve the opening brief and appendix.¹ Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). Failure to comply with this order may result in the imposition of sanctions. NRAP 31(d).

It is so ORDERED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. Lynne K. Simons, District Judge
Margaret M. Crowley, Settlement Judge
Robertson, Johnson, Miller & Williamson
Lemons, Grundy & Eisenberg
Dickinson Wright PLLC
Washoe District Court Clerk

¹In their response to this court's order to show cause, appellants indicated that they were prepared to file the opening brief and appendix, and encouraged the court to reinstate the briefing schedule as quickly as possible.