

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANYAH VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellant,

vs.

SIG ROGICH, A/K/A SIGMUND
ROGICH, INDIVIDUALLY, AND AS
TRUSTEE OF THE ROGICH FAMILY
IRREVOCABLE TRUST; ELDORADO
HILLS, LLC, A NEVADA LIMITED
LIABILITY COMPANY; TELD, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; PETER ELIADES,
INDIVIDUALLY AND AS TRUSTEE OF
THE ELIADES SURVIVOR TRUST OF
10/30/08; AND IMITATIONS, LLC; A
NEVADA LIMITED LIABILITY
COMPANY,

Respondents.

EL DORADO HILLS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Cross-Appellant,

vs.

NANYA VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Cross-Respondent

SIG ROGICH, A/K/A SIGMUND
ROGICH, INDIVIDUALLY, AND AS
TRUSTEE OF THE ROGICH FAMILY
IRREVOCABLE TRUST; AND
IMITATIONS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Cross-Appellants,

vs.

NANYA VEGAS, LLC, A NEVADA

No. 79917

FILED

JAN 06 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

LIMITED LIABILITY COMPANY,
Cross-Respondent,
and
ELDORADO HILLS, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
TELD, LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND PETER
ELIADES, INDIVIDUALLY AND AS
TRUSTEE OF THE ELIADES
SURVIVOR TRUST OF 10/30/08,
Respondents,

ORDER TO SHOW CAUSE

This appeal and the cross-appeals challenge orders entered in consolidated district court cases. Initial review of the docketing statements and documents before this court reveals potential jurisdictional defects.

First, it appears that the district court has not yet entered a final judgment in district court case A-16-746239-C because Nanyah Vegas, LLC's claims for declaratory relief and specific performance remain pending against Sig Rogich, individually, and Imitations, LLC. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). The parties represent that these claims were resolved in a pretrial memorandum. However, it does not appear that any written, file-stamped district court order formally resolves these claims. *See KDI Sylvan Pools, Inc. v. Workman*, 107 Nev. 340, 342, 810 P.2d 1217, 1219 (1991) (the fact that a party is not inclined to pursue a claim does not function as a formal dismissal of the claim or render the claim moot).

Second, assuming that a final judgment has been entered, it appears that cross-appellant Eldorado Hills may not challenge the May 22, 2018, order entered with respect to district court case A-16-746239-C because Eldorado Hills was not a party to that case. *See* NRAP 3A(a)

(allowing an appeal by an aggrieved party); *Albert D. Massi, Ltd. v. Bellmyre*, 111 Nev. 1520, 1521, 908 P.2d 705, 706 (1995) (“To qualify as a party, an entity must have been named and served.”); *see also Matter of Estate of Sarge*, 134 Nev. 766, 432 P.3d 718 (2018) (cases consolidated in the district court retain their separate identities for appellate purposes).

Third, it appears that Eldorado Hills is not aggrieved by the October 4, 2019, order entered with respect to district court case A-13-686303-C because, although the district court denied its motion for summary judgment on the unjust enrichment claim, the district court also granted Eldorado’s motion to dismiss that same claim. *See Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (“A party is ‘aggrieved’ within the meaning of NRAP 3A(a) when either a personal right or right of property is adversely and substantially affected by a district court’s ruling.”) (internal quotation marks omitted); *Ford v. Showboat Operating Co.*, 110 Nev. 752, 877 P.2d 546 (1994) (explaining that “[a] party who prevails in the district court and who does not wish to alter any rights of the parties arising from the judgment is not aggrieved *by the judgment*.” “[N]o court rule or statute provides for an appeal from a finding of fact or from a conclusion of law”).

Fourth, it appears that the district court’s March 26, 2019, order denying the motion for relief under NRCP 60(b) filed by Sigmund Rogich, individually and as trustee of the Rogich Family Irrevocable Trust, and Imitations, LLC (Rogich parties) may not be substantively appealable. The Rogich parties indicate that this order is appealable as an interlocutory order entered prior to the final judgment. However, if no final judgment has been entered in district court case A-16-746239-C, as discussed above, this order is not subject to review on appeal.

Accordingly, appellant and cross-appellants shall each have 30 days from the date of this order to show cause why this appeal and the cross-appeals should not be dismissed, in whole or in part, for lack of jurisdiction. In responding to this order, in addition to points and authorities, appellant and cross-appellants should provide a copy of any written, file-stamped district court order formally resolving Nanyah Vegas, LLC's claims for declaratory relief and specific performance in district court case A-16-746239-C. Respondents TELD, LLC, and Peter Eliades, individually and as trustee of the Eliades Survivor Trust of 10/30/08, may file any replies within 14 days of service of the last-filed response. Failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.

Pickering, C.J.

cc: Bailey Kennedy
Simons Hall Johnston PC/Reno
Fennemore Craig, P.C./Las Vegas
Fennemore Craig P.C./Reno