

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAPRIATI CONSTRUCTION CORP.,)	Supreme Court No: 80107
INC., a Nevada Corporation)	District Court Case No: A718689
)	Electronically Filed
Appellant,)	Mar 24 2020 04:15 p.m.
)	Elizabeth A. Brown
v.)	Clerk of Supreme Court
)	MOTION TO CONSOLIDATE
)	FOR A SINGLE BRIEFING
)	SCHEDULE
BAHRAM YAHYAVI, an individual,)	
)	
Respondent.)	
)	

Appellant in Docket No. 80107, Capriati Construction Corp., Inc, who is also Appellant in Docket No. 80821, requests that Docket Nos. 80107 and 80821 be consolidated for all purposes.

These appeals are all related, and they arise from a single action in district court. Arguably, they are one appeal docketed with two numbers.

Docket No. 80107 was commenced with the premature filing of a notice of appeal from a judgment on a jury verdict and from a post-judgment order. The notice of appeal was filed while tolling motions from the judgment were pending in district court because of the odd nature of a post-judgment order, to cover all possible appellate bases. After the tolling motions were resolved, this Court reinstated the briefing schedule in Docket No. 80107, apparently recognizing that

the premature notice of appeal became effective when the order on the last tolling motion was entered. NRAP 4(a)(6).

The district court entered four orders on the same date, March 3, 2020, resolving all of the post-judgment matters before it, including two tolling motions and two post-judgment motions regarding attorney's fees and costs. Some of these orders are themselves independently appealable. In any event, the entry of these orders commenced the running of the time to appeal from the final judgment, as well as from the appealable post-judgment orders. Therefore, on March 13, 2020, appellant filed an amended notice of appeal from the final judgment, and included in that notice a list of all of the orders that are appealable at this time. This new notice of appeal, although an amended notice, was docketed as Case No. 80821.

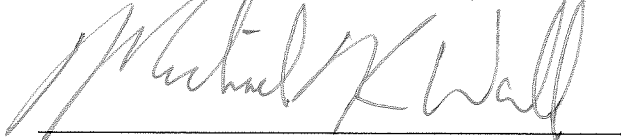
Thus, the notice of appeal in Docket No. 80821 includes and covers all of the judgments and orders the appeal in Docket No. 80107 includes and covers, plus some additional orders. Because all of the appeals arise from a single district court case, and the issues are inextricably intertwined, it would make sense to combine these appeals for all appellate purposes.

Therefore, appellants suggest for purposes of judicial economy that these two matters should be consolidated for all appellate purposes. Appellants request

that an amended briefing order be entered allowing the parties to file one set of briefs, rather than requiring duplicative, parallel briefing. Further, appellant respectfully requests that the new briefing schedule be based on the date the matter finally became appealable, March 3, 2020, and the date of the operative notice of appeal (March 13, 2020), rather than the shortened briefing period provided in this Court's order resolving the order to show cause in Case No. 80107.

Respectfully submitted this 24 day of March, 2020.

HUTCHISON & STEFFEN, PLLC

A handwritten signature in cursive script, appearing to read "Michael K. Wall", written over a horizontal line.

Michael K. Wall (2098)
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
mwall@hutchlegal.com
Attorney for Appellant

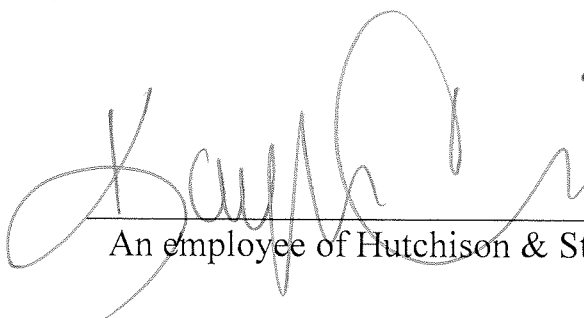
CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the **MOTION TO CONSOLIDATE FOR A SINGLE BRIEFING SCHEDULE** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Dennis M. Prince, Esq.
PRINCE LAW GROUP
10801 West Charleston Blvd. Ste. 560
Las Vegas, NV 89135
Tel: (702) 534-7600
Fax: (702) 534-7601

Attorney for Respondent Bahram Yahyavi

DATED this 24th day of March, 2020.

A handwritten signature in black ink, appearing to read 'Dennis M. Prince', is written over a horizontal line.

An employee of Hutchison & Steffen, PLLC