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Elizabeth A. Brown
Clerk of Supreme Court

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

11 CLEMENT MUNNEY; CHEF EXEC
12 SUPPLIERS, LLC,

13 Appellants,

14 vs.

15 DOMINIQUE ARNOULD,

16 Respondent.

Case Numbers: 81354, 81355, 81356

**APPELLANTS' RESPONSE TO
ORDER TO SHOW CAUSE**

17 COME NOW Appellants CLEMENT MUNNEY and CHEF EXEC
18 SUPPLIERS, LLC, (hereinafter "Muney"), by and through their undersigned
19 counsel Robert Kern, Esq., of KERN LAW, Ltd., submits this Response to
20 order to show cause. This filing is based on the records and files of this case,
21 the attached memorandum and exhibits and any matters adduced at any
22 hearing. motion is granted). Appellants certify that this request is for good
23 cause, is not for delay, nor any other improper purpose.

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

Discussion

The Court's order to show cause called for Appellant to explain why an order imposing sanctions is appealable in these circumstances, correctly noting that such an order would not normally be appealable. Appellant's position is that this Court's previous decisions have established that an otherwise non-appealable matter may be included in an appeal of an order that contains matter that is appealable, and is also on appeal.

1. THE ORDER APPEALED FROM IS APPEALABLE UNDER NRAP 3A(b)(3) and (4), THUS THE SANCTIONS IMPOSED BY THAT ORDER ARE APPEALABLE

This consolidated appeal is an appeal of two orders. The second order was an order that granted a preliminary injunction, appointed a receiver, and imposed sanctions. In listing the types of orders that can be appealed from, NRAP 3A(b)(3) and (4) list "An order granting or refusing to grant an injunction" and "An order appointing or refusing to appoint a receiver." This order explicitly did both of those things.

This Court has previously held that a sanctions order is appealable if it is contained with an order that is independently appealable. *Vaile v. Vaile*, 396 P. 3d 791 (NV S.Ct. 2017) ("...if the contempt finding or sanction is included in an order that is otherwise independently appealable, this court has jurisdiction to hear the contempt challenge on appeal.); *Yu v. Yu*, 405 P. 3d 639 (NV S.Ct. 2017) ("...allowing consideration of a post-judgment vexatious litigant determination in an appeal from an otherwise appealable order both promotes judicial efficiency and simplifies the review process."). As the sanctions were issued together with the grant of preliminary injunction and appointment of

1 receiver, this reasoning would appear to allow the imposition of sanctions to be
2 reviewed along with the other portions of the order.
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5 **II.**
6 **CONCLUSION**

7 As the order appealed from is appealable as an order granting an
8 injunction, and the previous decisions of this Court allow for determination of
9 an imposition of sanctions if it is contained in an otherwise appealable order,
10 the appeal should be allowed to go forward.

11 DATED this 19th day of November, 2020.
12

13 **KERN LAW**

14
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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of November 2020, I served a true and correct copy of the foregoing **Response to Order to Show Cause**, by electronic service, addressed to the following:

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