


IN THE SUPREME COURT OF THE STATE OF NEVADA

DAMASO S. PUENTE, INDIVIDUALLY  
AND ON BEHALF OF THE ESTATE OF  
DAMASO I. PUENTE; MARIA PUENTE;  
DANIEL MALONE; DIANE MALONE,  
INDIVIDUALLY AND ON BEHALF OF  
THE ESTATE OF CHRISTA PUENTE,  
Appellants/Cross-Respondents,  
vs.  
DAVE & BUSTER'S OF NEVADA, INC.,  
D/B/A DAVE & BUSTER'S,  
Respondent/Cross-Appellant.

No. 82554

**FILED**

MAY 04 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER TO SHOW CAUSE*

This is an appeal and cross-appeal from a district court order granting summary judgment. Initial review of the docketing statements and documents before this court reveals a potential jurisdictional defect with respect to the cross-appeal. It appears that respondent/cross-appellant is not aggrieved by the challenged order. Only a party aggrieved by an order may appeal. NRAP 3A(a). "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." *Ford v. Showboat Operating Co.*, 110 Nev. 752, 756, 877 P.2d 546, 549 (1994). Here, the district court granted summary judgment in favor of respondent/cross-appellant. Respondent/cross-appellant fully prevailed on its motion, and all claims against it were dismissed. Respondent/cross-appellant proposes to challenge one of the findings of the district court with regard to the applicability of NRS 41.1305, but does not seek to alter any of the substantive rights or obligations of the parties arising from the judgment. To the extent that the purported cross-appeal seeks an alternative basis to

affirm the district court's decision, these arguments are more properly raised in the answering brief on appeal. *See Ford v. Showboat*, 110 Nev. at 755, 877 P.2d at 548.

Accordingly, respondent/cross-appellant shall have 30 days from the date of this order within which to show cause why the cross-appeal should not be dismissed for lack of jurisdiction. Failure to demonstrate that this court has jurisdiction may result in this court's dismissal of the cross-appeal. The deadlines for filing documents in this appeal shall be suspended pending further order of this court. Appellants/cross-respondents may file any reply within 14 days from the date that respondent/cross-appellant's response is served.

It is so ORDERED.

J. S. Sanders, C.J.

cc: Christensen Law Offices, LLC  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas