

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 CRISTA PUENTE,

Appellants,

vs.

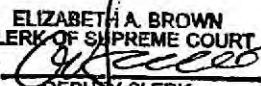
DAVE & BUSTER'S OF NEVADA, INC.,
D/B/A DAVE & BUSTER'S,

Respondent.

No. 82554

FILED

MAY 14 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

**ORDER DISMISSING CROSS-APPEAL AND REINSTATING
BRIEFING**

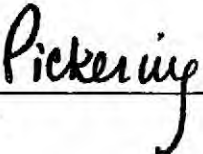
This is an appeal and cross-appeal from an order granting summary judgment. Because it appeared that respondent is not an aggrieved party with standing to appeal, this court entered an order directing respondent to show cause why the cross-appeal should not be dismissed for lack of jurisdiction. NRAP 3A; *Valley Bank of Nev. 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." (quoting *Estate of Hughes v. First Nat'l Bank*, 96 Nev. 178, 180, 605 P.2d 1149, 1150 (1980))). Respondent has responded and concedes that it does not wish to alter its rights or obligations under the judgment on appeal and is challenging only a finding in the district court's ruling, which can be addressed in the answering brief. See *Ford v. Showboat Operating Co.*, 110 Nev. 752, 755, 877 P.2d 546, 548 (1994) (recognizing that a party "who is not aggrieved by a judgment need not appeal from the judgment in order to raise arguments in support of the judgment not necessarily accepted by the


district court" (citing *U. S. v. American Ry. Exp. Co.*, 265 U.S. 425, 435 (1924))).

Accordingly, the cross-appeal is dismissed. The clerk of this court shall modify the caption on this court's docket consistent with the caption appearing on this order. The briefing schedule is reinstated as follows. Appellants' opening brief and appendix remain due by July 12, 2021. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

cc: Hon. Mary Kay Holthus, District Judge
James A. Kohl, Settlement Judge
Christensen Law Offices, LLC
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk