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Elizabeth A. Brown
Clerk of Supreme Court

1 and Conclusions of Law, entered September 13, 2021 and Judgment, entered September 21,
2 2021.

3 4. The second appeal (#83869) challenges Judge Allf's Order Re: Attorney's
4 Fees, entered November 16, 2021. This Order was predicated on the Judgment and Findings
5 which are the subject of the first appeal.

6 5. The facts and issues presented by the second appeal are identical to, or
7 interrelated with, the issues presented by the first appeal. If Judge Allf's Judgment falls on
8 appeal, her award of attorney's fees will also fall. If the Judgment is sustained, however,
9 Judge Allf's award of fees would still require review.

10 6. The documents filed in the District Court in connection with the subject of
11 the second appeal (#83869) are not voluminous and will not overburden the record in the
12 first appeal.

13
14 **WHEREFORE**, given all of the foregoing, it is in the interests of justice and
15 judicial economy that the two appeals be consolidated, that the briefing schedule set for the
16 earlier of the appeals be replaced by the schedule for the latter, that a single set of briefs and
17 a single appendix be filed covering both appeals, and that argument and all future aspects
18 of both appeals be hereafter consolidated.

19 DATED this 22nd day of February, 2022.

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21 **KERN LAW**

22 /S/ Robert Kern

23 Robert Kern, Esq. NV Bar # 10104
24 601 S. 6th Street
25 Las Vegas, NV 89101
26 (702) 518-4529
27 Attorney for Appellants
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