

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ILIESCU, JR., AND SONNIA ILIESCU, TRUSTEES OF THE JOHN ILIESCU JR. AND SONNIA ILIESCU 1992 FAMILY TRUST; JOHN ILIESCU, JR., an individual; and SONNIA ILIESCU, an individual,

Appellants,

vs.

THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY; ROE CORPORATIONS 1-20; and DOES 1 through 40 inclusive,

Respondent.

Electronically Filed
Nov 22 2021 01:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 83212

Supreme Court No. 83756

Washoe County Case No. CV19-00459

**MOTION TO CONSOLIDATE
APPEAL CASES**

COME NOW, Appellants in Case No. 83212 and in Case No. 83756, JOHN ILIESCU, JR., AND SONNIA ILIESCU, TRUSTEES OF THE JOHN ILIESCU, JR. AND SONNIA ILIESCU 1992 FAMILY TRUST AGREEMENT; JOHN ILIESCU, JR., individually; and SONNIA ILIESCU, individually (hereinafter “Appellants”), by and through their undersigned counsel of record, ALBRIGHT, STODDARD, WARNICK & ALBRIGHT, and hereby move, pursuant to NRAP 3(b)(2), for an Order to Consolidate the two related Supreme Court Cases, No. 83212 and No. 83756, as follows:

1. Appellants filed their original “Notice of Appeal” from Washoe County Case No. CV19-00459, on July 9, 2021, based on an “Order Granting

Summary Judgment After Supplemental Arguments” in favor of Defendant, The Regional Transportation Commission of Washoe County [Washoe County Clerk Transaction #8487964] having been entered in said case on June 9, 2021.

2. Appellants later filed their “Amended Notice of Appeal” from that same Washoe County Case No. CV19-00459 on October 21, 2021, in order to also appeal the subsequent attorney’s fees award and judgment entered therein as an “Order Granting Attorney’s Fees and Entry of Judgment” in favor of Defendant, THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY [Washoe County Clerk Transaction #8701865] entered on October 18, 2021, the Notice of Entry of which Order was entered on October 18, 2021 [Transaction #8702337].

3. This Court has treated the Amended Notice of Appeal as a separate and distinct appeal, given that the attorneys’ fees judgment was independently appealable, and assigned it its own separate case number.

4. NRAP 3(b)(2) provides that when “separate timely notices of appeal” have been filed, “the appeals may be joined or consolidated by the court upon its own motion or upon motion of a party.” This motion seeks said relief.

5. In *O’Guinn v. State*, 118 Nev. 849, 59 P.3d 488 (2002) this Court consolidated two separate appeals from the same district court even though separate parties were involved. The Nevada Appellate Practice Manual

(Publications Committee of the State Bar of Nevada, 2021 Edition) notes, at Section 3:17, p. 3-6, that this Court “may sua sponte, or by motion, consolidate separate appeals that arise from the same district court case.” Furthermore, said Manual provides, at Section 7:92, p. 7-23, that “Generally, separate appeals arising out of one district court action that involve identical issues and/or parties are strong candidates for consolidation.” *See also, Dep’t of Motor Vehicles v. Hutchings*, 106 Nev. 453, 795 P.2d 497 (1990)(consolidating two separate appeals premised on similar issues.)

6. In the present case, the appeal of the attorneys’ fees judgment (the second appeal at issue herein from Washoe County Court Case No. CV19-00459) will hinge largely on the outcome of the (first) appeal from the substantive rulings at issue in the summary judgment order appealed from in the first appeal from that same case. Based thereon, requiring separate briefing solely on attorneys’ fees issues would potentially be a waste of judicial resources, as those matters can be addressed as part of the initial appeal.

7. Based on the foregoing, Movants request that the relief sought in this motion be granted and that the two appeals referenced herein be consolidated,

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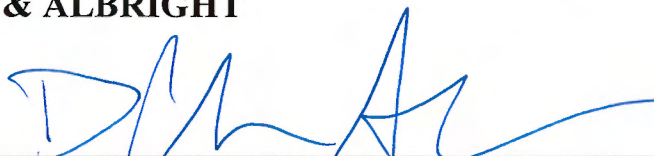
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under the same Supreme Court Case Number, No. 83212, so that all issues raised in both appeals may be covered in the same appellate briefs.

DATED this 22nd day of November, 2021.

**ALBRIGHT, STODDARD, WARNICK
& ALBRIGHT**



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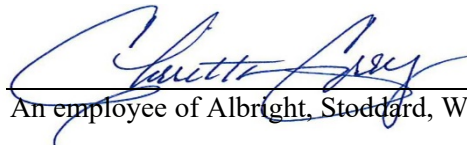
Counsel for Appellants

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT, and that on this 22nd day of November, 2021, the foregoing **MOTION TO CONSOLIDATE APPEAL CASES** 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:

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