

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY J. WILLARD, INDIVIDUALLY  
AND AS TRUSTEE OF THE LARRY  
JAMES WILLARD TRUST FUND; AND  
OVERLAND DEVELOPMENT  
CORPORATION, A CALIFORNIA  
CORPORATION,

Appellants,

vs.

BERRY-HINCKLEY INDUSTRIES, A  
NEVADA CORPORATION; JERRY  
HERBST, AN INDIVIDUAL; AND  
TIMOTHY P. HERBST, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF JERRY HERBST, DECEASED,

Respondents.

LARRY J. WILLARD, INDIVIDUALLY  
AND AS TRUSTEE OF THE LARRY  
JAMES WILLARD TRUST FUND; AND  
OVERLAND DEVELOPMENT  
CORPORATION, A CALIFORNIA  
CORPORATION,

Appellants,

vs.

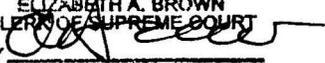
BERRY-HINCKLEY INDUSTRIES, A  
NEVADA CORPORATION; JERRY  
HERBST, AN INDIVIDUAL; AND  
TIMOTHY P. HERBST, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF JERRY HERBST, DECEASED,

Respondents.

No. 83640

**FILED**

JUN 28 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

No. 84848

*ORDER CONSOLIDATING APPEALS, REGARDING BRIEFING, AND GRANTING MOTION TO FILE REPLY BRIEF IN EXCESS OF WORD LIMIT*

Appellants' motion in Docket No. 83460 to file a reply brief in excess of the type-volume limitation is granted. NRAP 32(a)(7)(D). The reply brief was filed on June 9, 2022.

Additionally, the parties have filed a stipulation to consolidate Docket Nos. 83640 and 84848.<sup>1</sup> Additionally, the parties have submitted a proposed, "somewhat expedited" briefing schedule for the appeal in Docket No. 84848.<sup>2</sup> These appeals arise from the same district court case and involve the same parties. This court concludes that in the interest of judicial economy, these appeals should be consolidated. Accordingly, the stipulation is approved and these appeals shall be consolidated for all appellate purposes. *See* NRAP 3(b)(2).

Briefing shall proceed as follows: Appellants shall have 60 days from the date of this order to file a supplemental opening brief in these consolidated appeals, raising any issues that were not raised in the opening brief that is already on file. Respondents will then have 30 days from service of the supplemental opening brief to file a supplemental answering brief. Thereafter, appellants shall have 30 days to file and serve a

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<sup>1</sup>The parties additionally stipulate that Docket No. 84848 should be removed from the settlement program. This court issued a notice on June 16, 2022, removing Docket No. 84848 from the settlement program and implementing a briefing schedule. Accordingly, the stipulation to remove the appeal from the settlement program is denied as moot, and the briefing scheduled established in the June 16, 2022, notice is modified pursuant to this order.

<sup>2</sup>Briefing has been completed in Docket No. 83640.

supplemental reply brief, if deemed necessary. The parties may cite to the appendix already on file, however, the parties may file supplemental appendices if they will be relying on documents not already included in the appendix on file.

It is so ORDERED.

C.J.

cc: Robertson, Johnson, Miller & Williamson  
Lemons, Grundy & Eisenberg  
Dickinson Wright PLLC