

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 MICHAEL MURRAY, and MICHAEL )  
4 RENO, Individually and on behalf of )  
5 others similarly situated, )

6 Appellants )

7 vs )

8 A CAB, LLC, and A CAB SERIES )  
9 LLC, )

10 Respondents. )  
11 )  
12 )  
13 )

Supreme Court No. 84888  
Electronically Filed  
Aug 29 2022 12:53 p.m.  
Elizabeth A. Brown  
District Court Case No. A-13-  
Clerk of Supreme Court  
669926-C

APPELLANTS' RESPONSE TO  
ORDER TO SHOW CAUSE

14 Appellants provide this response to the Court's Order to Show Cause filed June  
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16 27, 2022 in this appeal.

17 **On the appeal of the June 3, 2022, Order**

18 Appellants have appealed from the June 3, 2022, Order because they believe it  
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20 is unclear whether that Order, or the May 17, 2022, Order, is the operative appealable  
21 Order intended by the district court. Appellants agree the only appealable issue  
22 presented by each of those Orders, the amount of the costs awarded, is identical, as  
23 both Orders granted the same costs award. Appellants have sought to address in the  
24 district court, via timely motions for reconsideration, which of those Orders should be  
25 effective, as one of those Orders should be vacated unless the district court elects to  
26 vacate both Orders and proceed differently. Appellants seek only to preserve their  
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1 right to appeal the amount of the costs award, which is identical in each Order, and do  
2 not submit any reason exists to hear an appeal of both Orders.  
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5 **On whether this appeal is premature**  
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8 The afore-referenced motions to reconsider the June 3, 2022, Order and May 17,  
9 2022, Order remain pending with the district court. This appeal was filed because the  
10 Orders at issue were not, themselves, final judgments in favor of any party but  
11 involved a post-appeal, post-final judgment, award of costs. It may be proper to treat  
12 those motions to reconsider as tolling motions under NRAP 4(a)(4), on the basis that  
13 those motions are NRCP Rule 59 motions to amend a judgment (treating those Orders  
14 as judgments within the meaning of that rule). Appellants do not argue otherwise, and  
15 if this Court is to so hold the notice of appeal would be premature, at least as of this  
16 date, as per NRAP 4(a)(6).  
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21 Appellants believe it is quite likely the district court will resolve the pending  
22 reconsideration motions very soon, quite possible before this Court decides whether it  
23 should issue an Order dismissing this appeal as premature under NRAP 4(a)(6). In  
24 that event appellants intend, pursuant to NRAP 4(a)(7), to file an amended notice of  
25 appeal to maintain this appeal before the Court or seek to dismiss this appeal  
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1 depending on the district court's resolution of those motions.  
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3 Dated this 26<sup>th</sup> Day of August, 2022  
4

5 /s/ Leon Greenberg  
6 Leon Greenberg NSB 8094  
7 LEON GREENBERG PROF CORP.  
8 2965 South Jones Blvd., #E3  
9 Las Vegas, NV 89146  
10 (702) 383-6085  
11 *Attorneys for Appellants*

12 **CERTIFICATE OF SERVICE**

13 I certify that on August 29, 2022, I served a copy of the foregoing RESPONSE  
14 TO ORDER TO SHOW CAUSE upon all counsel of record by EFLEX system which  
15 served all parties electronically.  
16

17  
18 Dated this 29th day of August, 2022  
19

20 /s/ Ruthann Devereaux-Gonzalez  
21 Ruthann Devereaux-Gonzalez  
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