

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

MICHAEL MURRAY and MICHAEL  
RENO, et. al.

Plaintiff/Appellant,

vs.

A CAB TAXI SERVICE LLC and A  
CAB, LLC

Defendant/Respondent.

Electronically Filed  
Sep 12 2022 02:15 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Supreme Court No: 84888**

Dist. Ct. No: A-12-669926-C

**RESPONDENTS' REPLY TO  
APPELLANTS' RESPONSE TO  
ORDER TO SHOW CAUSE**

In their response to this Court, Appellants have not put forth any supporting authority as to why their appeal should not be dismissed for lack of jurisdiction. In fact, Appellants appear to concede as to the jurisdictional defects, but yet continue to maintain their appeal of two orders and have not withdrawn it, thus necessitating Respondents' reply.

As noted by this Court in its *Order to Show Cause*, the second order of June 3, 2022, is not substantively appealable. This duplicative order is a manufactured opportunity at a "second bite at the apple" by Appellants. Appellants, taking advantage of a vacant judicial department, entered a second order after an order had been entered by the presiding district court judge, Hon. Gloria Sturman, awarding costs on appeal to Defendants pursuant to NRAP 39.

In the second order, Appellants added wording not declared nor ordered by Judge Sturman to indicate that Defendants could not move forward in seeking collection of costs until a further order was issued by the district court. These words will not be found anywhere in the record nor were they issued by Judge

Sturman. Appellants' counsel simply made up this part of the decision; and sneakily inserted these words into an order for the substituting senior judge (Hon. Michael Cherry) to sign, who was unaware that the order had already been entered on this issue.

By engaging in such tactics and entering a second order, Plaintiffs have now afforded themselves of two chances to move for reconsideration (having already filed two motions for reconsideration); as well as the ability to appeal both orders - thus the two bites at the apple. Plaintiffs deliberately created this error in the record; and could have easily withdrawn the second duplicate order. Instead, they utilize this second order to disingenuously now plead to this Court that they only appeal this second order because the record is "unclear". They argue for the solution that the district court can go ahead and vacate both orders. This is a nonsensical argument and position simply because Plaintiffs lost on the issue. They deliberately cloud the record with two orders; and then assert that the district court should just start over.

What is clear in their response to this Court, is that Plaintiffs do not offer any authority to support that the second order is substantively appealable. They state at page 2 of their response, they “do not submit any reason exists to hear an appeal of both Orders.” Thus, this Court should dismiss the appeal of this order for lack of jurisdiction.

As pertains to the original May 17, 2022, order entered by Judge Sturman which awarded costs on appeal, this is not a special order after final judgment, as already noted by this Court. Judge Sturman awarded costs on appeal pursuant to NRAP 39 arising from this court's partial reversal and remand of the prior summary judgment. Plaintiffs' pending motions for reconsideration will not change these jurisdictional defects. There are no pending motions which would reclassify Plaintiffs' appeal as a special order after final judgment. Thus, this is not just a defect of being a premature appeal. Defendants respectfully request that

this appeal be dismissed for lack of jurisdiction. NRAP 3(A)(b)(8).

DATED this 12<sup>th</sup> day of September, 2022.

**RODRIGUEZ LAW OFFICES, P.C.**

/s/ *Esther C. Rodriguez, Esq.*

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Esther C. Rodriguez (6473)  
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Las Vegas, Nevada 89145

**CERTIFICATE OF SERVICE**

I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that on this date the foregoing *RESPONDENTS' REPLY TO APPELLANTS' RESPONSE TO ORDER TO SHOW CAUSE* was electronically filed the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Leon Greenberg, Esq.  
Leon Greenberg Professional Corp.  
2965 S. Jones Boulevard, Suite E4  
Las Vegas, Nevada 89146  
*Counsel for Petitioners*

Dated this 12<sup>th</sup> day of September, 2022.

/s/ Susan Dillow  
\_\_\_\_\_  
An Employee of Rodriguez Law Offices, P.C.

### **CERTIFICATE OF SERVICE**

I certify that I am an employee of RODRIGUEZ LAW OFFICES, P.C. and that on this date a true and correct copy of the foregoing RESPONDENTS' REPLY TO APPELLANTS' RESPONSE TO ORDER TO SHOW CAUSE was served via electronic transmission as follows:

Honorable Judge Maria Gall  
District Court Judge, Dept. 9  
200 Lewis Avenue, Courtroom 5B  
Las Vegas, Nevada 89155  
[Dept9LC@clarkcountycourts.us](mailto:Dept9LC@clarkcountycourts.us)

Dated this 12<sup>th</sup> day of September, 2022.

/s/ Susan Dillow  
An Employee of Rodriguez Law Offices, P.C.