

IN THE SUPREME COURT OF THE STATE OF NEVADA

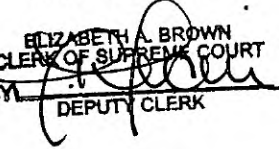
MEI-GSR HOLDINGS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AM-  
GSR HOLDINGS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
GAGE VILLAGE COMMERCIAL  
DEVELOPMENT, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,  
Appellants/Cross-Respondents,  
vs.

ALBERT THOMAS, INDIVIDUALLY;  
JANE DUNLAP, INDIVIDUALLY;  
JOHN DUNLAP, INDIVIDUALLY;  
BARRY HAY, INDIVIDUALLY; MARIE-  
ANNE ALEXANDER, AS TRUSTEE OF  
THE MARIE-ANNIE ALEXANDER  
LIVING TRUST; MELISSA  
VAGUJHELYI AND GEORGE  
VAGUJHELYI, AS TRUSTEES OF THE  
GEORGE VAGUJHELYI AND MELISSA  
VAGUJHELYI 2001 FAMILY TRUST  
AGREEMENT, U/T/A APRIL 13, 2001; D'  
ARCY NUNN, INDIVIDUALLY; HENRY  
NUNN, INDIVIDUALLY; MADELYN  
VAN DER BOKKE, INDIVIDUALLY;  
LEE VAN DER BOKKE,  
INDIVIDUALLY; DONALD  
SCHREIFELS, INDIVIDUALLY;  
ROBERT R. PEDERSON,  
INDIVIDUALLY AND AS TRUSTEE OF  
THE PEDERSON 1990 TRUST; LOU  
ANN PEDERSON, INDIVIDUALLY  
AND AS TRUSTEE OF THE  
PEDERSON 1990 TRUST; LORI  
ORDOVER, INDIVIDUALLY; WILLIAM  
A. HENDERSON, INDIVIDUALLY;  
CHRISTINE E. HENDERSON,  
INDIVIDUALLY; LOREN D. PARKER,  
INDIVIDUALLY; SUZANNE C.

No. 86092

FILED

MAY 08 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

PARKER, INDIVIDUALLY; MICHAEL  
IZADY, INDIVIDUALLY; STEVEN  
TAKAKI, INDIVIDUALLY; FARAD  
TORABKHAN, INDIVIDUALLY;  
SAHAR TAVAKOL, INDIVIDUALLY;  
M&Y HOLDINGS, LLC; JL&YL  
HOLDINGS, LLC; SANDI RAINES,  
INDIVIDUALLY; R. RAGHURAM,  
INDIVIDUALLY; USHA RAGHURAM,  
INDIVIDUALLY; LORI K. TOKUTOMI,  
INDIVIDUALLY; GARRET TOM,  
INDIVIDUALLY; ANITA TOM,  
INDIVIDUALLY; RAMON FADRILAN,  
INDIVIDUALLY; FAYE FADRILAN,  
INDIVIDUALLY; PETER K. LEE AND  
MONICA L. LEE, AS TRUSTEES OF  
THE LEE FAMILY 2002 REVOCABLE  
TRUST; DOMINIC YIN,  
INDIVIDUALLY; ELIAS SHAMIEH,  
INDIVIDUALLY; JEFFREY QUINN,  
INDIVIDUALLY; BARBARA ROSE  
QUINN, INDIVIDUALLY; KENNETH  
RICHE, INDIVIDUALLY; MAXINE  
RICHE, INDIVIDUALLY; NORMAN  
CHANDLER, INDIVIDUALLY;  
BENTON WAN, INDIVIDUALLY;  
TIMOTHY D. KAPLAN,  
INDIVIDUALLY; SILKSCAPE INC.;  
PETER CHENG, INDIVIDUALLY;  
ELISA CHENG, INDIVIDUALLY; GREG  
A. CAMERON, INDIVIDUALLY; TMI  
PROPERTY GROUP, LLC; RICHARD  
LUTZ, INDIVIDUALLY; SANDRA  
LUTZ, INDIVIDUALLY; MARY A.  
KOSSICK, INDIVIDUALLY; MELVIN  
CHEAH, INDIVIDUALLY; DI SHEN,  
INDIVIDUALLY; NADINE'S REAL  
ESTATE INVESTMENTS, LLC; AJIT  
GUPTA, INDIVIDUALLY; SEEMA  
GUPTA, INDIVIDUALLY; FREDRICK  
FISH, INDIVIDUALLY; LISA FISH,

INDIVIDUALLY; ROBERT A.  
WILLIAMS, INDIVIDUALLY;  
JACQUELIN PHAM, INDIVIDUALLY;  
MAY ANN HOM, AS TRUSTEE OF THE  
MAY ANN HOM TRUST; MICHAEL  
HURLEY, INDIVIDUALLY; DOMINIC  
YIN, INDIVIDUALLY; DUANE  
WINDHORST, INDIVIDUALLY;  
MARILYN WINDHORST,  
INDIVIDUALLY; VINOD BHAN,  
INDIVIDUALLY; ANNE BHAN,  
INDIVIDUALLY; GUY P. BROWNE,  
INDIVIDUALLY; GARTH A.  
WILLIAMS, INDIVIDUALLY; PAMELA  
Y. ARATANI, INDIVIDUALLY;  
DARLENE LINDGREN,  
INDIVIDUALLY; LAVERNE ROBERTS,  
INDIVIDUALLY; DOUG MECHAM,  
INDIVIDUALLY; CHRISINE MECHAM,  
INDIVIDUALLY; KWANGSOO SON,  
INDIVIDUALLY; SOO YEUN MOON,  
INDIVIDUALLY; JOHNSON  
AKINDODUNSE, INDIVIDUALLY;  
IRENE WEISS, AS TRUSTEE OF THE  
WEISS FAMILY TRUST; PRAVESH  
CHOPRA, INDIVIDUALLY; TERRY  
POPE, INDIVIDUALLY; NANCY POPE,  
INDIVIDUALLY; JAMES TAYLOR,  
INDIVIDUALLY; RYAN TAYLOR,  
INDIVIDUALLY; KI HAM,  
INDIVIDUALLY; YOUNG JA CHOI,  
INDIVIDUALLY; SANG DAE SOHN,  
INDIVIDUALLY; KUK HYUNG  
(CONNIE) YOO, INDIVIDUALLY;  
SANG (MIKE) YOO, INDIVIDUALLY;  
BRETT MENMUIR, AS TRUSTEE OF  
THE CAYENNE TRUST; WILLIAM  
MINER, JR., INDIVIDUALLY; CHANH  
TRUONG, INDIVIDUALLY;  
ELIZABETH ANDERS MECUA,  
INDIVIDUALLY; SHEPHERD

MOUNTAIN, LLC; ROBERT  
BRUNNER, INDIVIDUALLY; AMY  
BRUNNER, INDIVIDUALLY; JEFF  
RIOPELLE, INDIVIDUALLY;  
PATRICIA M. MOLL, INDIVIDUALLY;  
AND DANIEL MOLL, INDIVIDUALLY,  
Respondents/Cross-Appellants.

*ORDER TO SHOW CAUSE AND GRANTING TEMPORARY STAY*

This is an appeal and cross-appeal from an amended judgment in a contract and tort action.

Appellants/cross-respondents have filed an emergency motion for stay of two orders entered on January 26 and March 27, 2023, regarding the receiver's motion for orders and instructions, instructing appellants to deposit approximately \$1.1 million with the receiver. In their motion, appellants point out that the district court denied a stay despite the posting of a supersedeas bond for the full amount. Further, they explain that they have deposited an amount with the district court to cover the receiver's expenses. Respondents/cross-appellants oppose the motion, asserting that on balance, the harm to them from a stay outweighs the harm to appellants if a stay is denied. Appellants have filed a reply.

Preliminarily, our review of the documents before this court reveals potential jurisdictional defects. Although the district court's amended judgment appears to have resolved all of the damages claims asserted below, the receivership imposed pursuant to respondents' complaint remains pending. Thus, it is unclear whether a final, appealable judgment has been entered per NRAP 3A(b)(1), or whether the receivership proceedings might be collateral to the claims resolved by the judgment. See *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a

final judgment); *Martin & Co. v. Kirby*, 34 Nev. 205, 214, 117 P. 2, 4 (1911) (recognizing that a final judgment in a receivership action is one that approves or rejects all of the items in the receiver's final account and directs distribution of any remaining funds).

Further, even if jurisdiction is proper as to the amended judgment, it is unclear whether the January and March orders may be challenged in the context of the appeal and cross-appeal from that order. The orders appear merely to direct turnover of a receivership asset at the request of the receiver, and appellants did not name the receiver as a respondent to the appeal. See, e.g., *Alper v. Posin*, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961) (noting that no statute or court rule provides for an appeal from an interlocutory court order confirming a sale by the receiver), *abrogated on other grounds by Lee*, 116 Nev. 424, 996 P.2d 416; *United States v. Beasley*, 558 F.2d 1200, 1201 (5th Cir. 1977) ("An order directing the turnover of funds to a Receiver, we have held, is interlocutory and not a final adjudication of the rights of the Receiver in the funds."); *F.T.C. v. NHS Sys., Inc.*, No. CIV.A. 08-2215, 2009 WL 4729893, at \*2 (E.D. Pa. Dec. 10, 2009) ("The Third Circuit has ruled that an order requiring the delivery of certain deposits to a receiver is neither final nor within any category of appealable orders." (quotation marks omitted)); cf. *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing generally that interlocutory orders may be considered in the context of an appeal from a final judgment); *Art Inst. of Chicago v. Integral Hedging, L.P.*, 129 S.W.3d 564, 572 (Tex. App. 2003) (recognizing the appealability, in Texas, of orders that "finally dispose of all issues in a discrete part or phase of the receivership" but concluding that an order directing receiver to immediately pay attorney fees and to sell assets for this




purpose did not finally resolve attorney fees issue and thus was not appealable).

Therefore, appellants shall have 21 days from the date of this order to show cause why this appeal should not be dismissed, in whole or in part, for lack of jurisdiction. Appellants' response to this order should also address whether the receiver should be a party to this appeal. Respondents may file any reply within 14 days from the date that appellants' response is served. The briefing schedule in this appeal is suspended pending further order of this court.

Additionally, in light of the supersedeas bond posted by appellants and the deposit they made to the court for the receiver's expenses, we temporarily stay enforcement of the district court's January 26 and March 27 orders directing the \$1.1 million payment to the receivership pending receipt and consideration of the parties' responses to these jurisdictional concerns and further order of this court.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

cc: Chief Judge, The Second Judicial District Court  
Hon. Elizabeth Gonzalez, Senior Judge  
Meruelo Group LLC  
Pisanelli Bice, PLLC  
Robertson, Johnson, Miller & Williamson  
Lemons, Grundy & Eisenberg  
Washoe District Court Clerk