

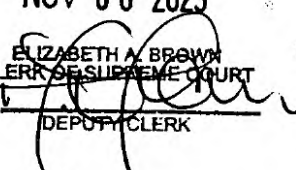
IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. TRICARICHI,  
Appellant,  
vs.  
PRICewaterhouseCOOPERS, LLP,  
Respondent.

No. 86317

**FILED**

NOV 06 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER TO SHOW CAUSE*

This is an appeal from a district court order in an action related to the sale of stock. Review of the docketing statements and documents before this court reveals a potential jurisdictional defect. It is not clear that a final judgment appealable under NRAP 3A(b)(1) has been entered in the district court.

“[A] final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Here, appellant filed an amended complaint asserting causes of action against respondent and four other parties: Cooperative Rabobank UA, Seyfarth Shaw LLP, Graham Taylor, and Utrechit-America Finance Co. The claims against respondent were resolved in the challenged order. Appellant asserts in the docketing statement that Graham Taylor was never served. It therefore appears that Taylor was not a party to the underlying proceedings for purposes of determining jurisdiction. *See Valley Bank of Nevada v. Ginsburg*, 110 Nev. 440, 448, 874 P.2d 729, 735 (1994) (concluding that “in Nevada, a person or entity is not a party within the meaning of NRAP 3A(a) unless that person or entity has been served with

23-36057

process, appeared in the court below and has been named as a party of record in the trial court” (emphasis omitted)). However, it does not appear that the claims against Cooperative Rabobank UA, Seyfarth Shaw LLP, and Utrechit-America Finance Co., as asserted in the amended complaint, have been finally resolved. Appellant asserts these claims were dismissed in orders entered on February 8, 2017, and December 23, 2016. But those orders were entered prior to the filing of the amended complaint on April 1, 2019. An amended complaint typically supersedes the original complaint. *Randono v. Ballow*, 100 Nev. 142, 143, 676 P.2d 807, 808 (1984). It is not clear that orders of dismissal entered prior to the filing of the amended complaint can be construed as resolving the claims asserted in the amended complaint.

Accordingly, appellant shall have 30 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, in addition to points and authorities, appellant should provide this court with a copy of any written, file-stamped order finally resolving the claims against Cooperative Rabobank UA, Seyfarth Shaw LLP, and Utrechit-America Finance Co., as asserted in the amended complaint. Respondent may file any reply within 14 days of service of appellant’s response. Failure to demonstrate that this court has jurisdiction may result in the dismissal of this appeal.

Briefing of this appeal is suspended pending further order of this court.

It is so ORDERED.

                    Stiglin                    , C.J.

cc: Hutchison & Steffen, LLC/Las Vegas  
Sperling & Slater, LLC/Chicago  
Bartlit Beck LLP/Chicago  
Snell & Wilmer, LLP/Las Vegas  
Bartlit Beck LLP/Denver