

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TRICARICHI,

Appellant,

v.

PRICEWATERHOUSECOOPERS,  
LLP,

Respondent.

Supreme Court No: 86317  
JOINT MOTION TO CONSOLIDATE  
APPEALS

Electronically Filed  
Jan 24 2024 04:46 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

Appellant Michael Tricarichi and Respondent PricewaterhouseCoopers, LLP jointly submit this motion to consolidate three appeals: Case No. 86317, Case No. 87375, and Case No. 87835.

The Nevada Rules of Appellate Procedure provide that separate appeals may be joined or consolidated by the Court on its own motion or on the motion of a party. NRAP 3(b)(2). Generally, separate appeals are consolidated where they “have grown out of the same cause and are between the same parties, if the ends of justice in the administration of the law demand it.” C.J.S. Appeal and Error § 785; *see also* NRAP 3(b)(1) (suggesting that joinder is appropriate when “practicable”).

In this case, joinder is practicable and appropriate because the issues and evidence are inextricably intertwined.

///

///

- Case No. 86317 is Tricarichi’s appeal from the District Court’s final judgment.
- Case No. 87375 is Tricarichi’s appeal from the District Court’s special order after final judgment granting PwC’s motion for attorneys’ fees and costs.
- Case No. 87835 is Tricarichi’s appeal from the District Court’s special order after final judgment denying Tricarichi’s NRCP 60(b) motion relating to newly discovered evidence.

All three appeals arise from the same underlying transaction, and the parties agree that this Court’s decision in the lead appeal (Case No. 86317) could affect the outcome in the other two cases.<sup>1</sup> To achieve the most efficient use of the Court’s and the parties’ resources, the parties respectfully request that the appeals be consolidated. *See Patush v. Las Vegas Bistro, LLC*, 135 Nev. 353, 353 n.1 (2019)

///

///

///

///

///

///

///

---

<sup>1</sup> Briefing in the lead appeal is stayed because, on November 6, 2023, the Court issued an order to show cause why the appeal should not be dismissed for lack of jurisdiction. Pursuant to that order, Tricarichi filed a response on December 1, 2023, explaining why the Court has jurisdiction, and PwC took no position. The order and stay remain pending.

(consolidating appeals from judgment and from order awarding attorneys' fees and costs).

DATED this 24<sup>th</sup> day of January, 2024.      DATED this 24<sup>th</sup> day of January, 2024.

*/s/ Ariel C. Johnson*

*/s/ Bradley T. Austin*

---

Ariel C. Johnson (13357)  
HUTCHISON & STEFFEN, PLLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
Tel: (702) 385-2500  
Fax: (702) 385-2086

---

Patrick Byrne (7636)  
Bradley T. Austin (13064)  
SNELL & WILMER, LLP  
3883 Howard Hughes Pkwy., Ste 1100  
Las Vegas, NV 89169

Scott F. Hessell (*Pro Hac Vice*)  
SPERLING & SLATER, P.C.  
55 West Monroe, Suite 3200  
Chicago, IL 60603  
Tel: (312) 641-3200  
Fax: (312) 641-6492

Mark L. Levine (*Pro Hac Vice*)  
Christopher D. Landgraff (*Pro Hac Vice*)  
Katherine Roin (*Pro Hac Vice*)  
54 West Hubbard Street, Suite 300  
Chicago, IL 60654

Randy J. Hart (9055)  
RANDY J. HART, LLC  
3601 South Green Road, Suite 200  
Beachwood, OH 44122  
Tel: 216-978-9150  
Fax: 216-373-4943

Daniel C. Taylor (*Pro Hac Vice*)  
1801 Wewatta Street, Suite 1200  
Denver, CO 80202

*Attorneys for Defendant*  
*PricewaterhouseCoopers LLP*

*Attorneys for Plaintiff Michael*  
*Tricarichi*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

### ALL COUNSEL ON SERVICE LIST

4