

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 MICHAEL TRICARICHI,

3 Appellant,

4 v.

5 PRICEWATERHOUSECOOPERS,  
6 LLP,

7 Respondent.

Supreme Court No: 86317  
Electronically Filed  
Jan 25 2024 09:46 AM  
Elizabeth A. Brown  
Clerk of Supreme Court  
JOINT MOTION TO CONSOLIDATE  
APPEALS

8 Appellant Michael Tricarichi and Respondent PricewaterhouseCoopers, LLP  
9 jointly submit this motion to consolidate three appeals: Case No. 86317, Case No.  
10 87375, and Case No. 87835.

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

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

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- 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)

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<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*

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