

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC, AM-GSR
HOLDINGS, LLC, and GAGE
VILLAGE COMMERCIAL
DEVELOPMENT, LLC,

Appellants,

v.

ALBERT THOMAS, *et al.*,

Respondents.

Case Nos. 87685
Electronically Filed
Feb 01 2024 04:44 PM
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANTS' MOTION TO RECALL REMITTITUR

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400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Appellants
MEI-GSR Holdings, LLC; Gage Village
Commercial Development, LLC; and
AM-GSR Holdings, LLC

I. INTRODUCTION

On November 16, 2023, this Court filed an Order to Show Cause in Dockets 85915, 86092, 86985, 87243, 87303, 87566, and 87567. This order revolved around potential jurisdictional concerns regarding the propriety of this Court's review of the challenged orders. On December 29, 2023, this Court entered an order resolving the Order to Show Cause, which resulted in the dismissal of some dockets and consolidation of others. However, the December 29, 2023 Order also dismissed Docket 87685—an appeal that was docketed on November 30, 2023—after the Order to Show Cause briefing. Thus, Docket 87685 was not subject to the November 16, 2023 Order to Show Cause or any other pending motions practice. Accordingly, the *sua sponte* Order dismissing Docket 87685 appears to be inadvertent because it was entered without notice and an opportunity to be heard. Thus, Appellants request that this Court recall the remittitur issued in Docket 87685 and withhold it until the Court rules on the pending Petitions for Rehearing in related Dockets 87303 and 87567.

II. BACKGROUND

On April 25, 2023, Appellants filed an emergency motion seeking a stay of a disbursement order, contending that NRCP 62(d) automatically stayed enforcement of the order since Appellants posted a supersedeas bond. *MEI-GSR Holdings, Inc. v. Thomas, et al.*, No. 86092, at *10 (Emergency Motion Under NRAP 27(e) to Stay Orders and Enforce NRCP 62(d)'s Automatic Supersedeas Bond Stay Apr. 25, 2023). On May 8, 2023, this Court issued a temporary stay and an Order to Show Cause, directing the

parties to brief whether this Court had jurisdiction over this action. *MEI-GSR Holdings, LLC*, No. 86092, at *4-5 (Order to Show Cause and Granting Temporary Stay May 8, 2023). The order-to-show-cause briefing was completed on July 20, 2023.

While the Court considered the order-to-show-cause briefing in 86092, the district court and receiver's rogue actions necessitated a multitude of appeals. Specifically, Appellants appealed several orders in: 85915 (appeal from an order granting a preliminary injunction, docketed on January 5, 2023); 86985 (appeal from corrected merits judgment docketed on July 18, 2023); 87243 (appeal from contempt orders, docketed on September 7, 2023); 87303 (appeal from order directing the turnover of funds to the receiver, docketed on September 19, 2023); 87566 (appeal from order awarding attorney fees for contempt proceedings, docketed on November 8, 2023); and 87567 (appeal from order overruling objections to receiver's spreadsheet calculations, docketed on November 8, 2023). During these appeals, this Court filed another Order to Show Cause directing the parties to, if they so chose, move the district court for an amended NRCP 54(b) certification of the judgment on November 16, 2023. *MEI-GSR Holdings, LLC*, Nos. 85915, 86092, 86985, 87243, 87303, 87566 & 87567, at **19-20 (Order to Show Cause Nov. 16, 2023). The briefing regarding this Order to Show Cause was completed on December 26, 2023).

While the Second Order to Show Cause briefing was pending, Appellants filed another appeal from a different order overruling objections to the receiver's spreadsheet calculations, Docket No. 87685. This appeal was docketed on November 30, 2023.

MEI-GSR Holdings, LLC, No. 87685, at *1 (Notice of Appeal Documents Nov. 30, 2023). Because this appeal postdated the Motion to Consolidate and Orders to Show Cause, it was not part of them. *See generally id.*; *see also MEI-GSR Holdings, LLC*, Nos. 85915, 86092, 86985, 87243, 87303, 87566 & 87567, at **1-18 (Order to Show Cause Nov. 16, 2023) (listing docket numbers the Order to Show Cause applied to, which did not include Docket No. 87685).

On December 29, 2023, the Court resolved its pending orders to show cause, dismissing a number of appeals. *MEI-GSR Holdings, LLC*, Nos. Nos. 85915, 86092, 86985, 87243, 87303, 87566, 87567 & 87685 (Order Resolving Motions, Dismissing and Consolidating Appeals, and Reinstating Briefing Dec. 29, 2023). Even though Docket No. 87685 was not subject to any order to show cause questioning this Court's jurisdiction over that appeal, this Court nonetheless *sua sponte* dismissed Docket 87685 with no notice or related briefing to be heard.

On January 16, 2024, Appellants timely filed a Petition for Rehearing/Motion for Reconsideration of the December 29, 2023 Orders that were properly subject to the Court's Orders to Show Cause and interrelated motions practice. *MEI-GSR Holdings, LLC*, Nos. 85915, 86092, 86985, 87243, 87303, 87566 & 87567 (Appellants' Petition for Rehearing of December 29, 2023 Order Jan. 16, 2024). Because the orders to show cause had not been filed in Docket 87685, Appellants did not file a petition for rehearing in that docket.

Appellants counsel and their staff did not receive an e-filing notification for this

Court's remittitur in Docket 87685, which was filed on January 23, 2023. (Ex. 1). Appellants did not receive notice of the remittitur in Docket 87685 until January 25, 2024, when the district court filed the remittitur in the district court docket. (*Id.*).

III. ARGUMENT

This Court has the inherent authority to recall the remittitur issued in a case. *See Wood v. State*, 60 Nev. 139, 140, 104 P.2d 187, 188 (1940); *see also Carrington v. United States*, 503 F.3d 888, 891 (9th Cir. 2007) (“We have the inherent power to recall our mandate in order to protect the integrity of our processes . . .”). “[R]emittitur will be recalled when, but only when, inadvertence, mistake of fact, or an incomplete knowledge of the circumstances of the case on the part of the court or its officers, whether induced by fraud or otherwise, has resulted in an unjust decision.” *Fulbrook v. Allstate Ins. Co.*, 131 Nev. 276, 278, 350 P.3d 88, 89-90 (2015) (quoting *Wood*, 60 Nev. at 141, 104 P.2d at 188). The party seeking to recall the remittitur must file its motion within 15 days of the filing of the remittitur in the district court. *Wood*, 60 Nev. at 140, 104 P.2d at 188.

Here, this Court should recall the remittitur as the Court's order dismissing Docket 87685 was filed without notice to Appellants. Neither order to show cause questioning this Court's jurisdiction over the various appeals were filed in Docket 87685. Nor did any party file a motion to consolidate or dismiss Docket 87685. Thus, this Court appears to have mistakenly dismissed Docket 87685 and, as a result,

mistakenly or inadvertently filed remittitur in Docket 87685.¹ Thus, to protect Appellants’ due process rights to notice and an opportunity to be heard—as well as rectify the inadvertent or mistaken issuance of the remittitur—this Court should recall the remittitur.

Additionally, because the issue in Docket 87685 is similar to the issue resolved in the Order to Show Cause in Dockets 87303 and 87567, this Court should recall the remittitur and withhold it until the Court resolved the Petition for Rehearing (and any en banc reconsideration). This would preserve judicial efficiency as well as protect Appellants’ due process rights while rectifying the inadvertent or mistaken sua sponte dismissal of the appeal in Docket 87685.

III. CONCLUSION

For these reasons, the Court should recall the Remittitur in Docket 87685 and withhold it until the Court has resolved the Petition for Rehearing (and any en banc reconsideration).

DATED this 1st day of February 2024.

PISANELLI BICE PLLC

By: /s/Jordan T. Smith
Jordan T. Smith, Esq., Bar No. 12097
Brianna Smith, Esq., Bar No. 11795
Daniel R. Brady, Esq., Bar No. 15508

¹ As the December 29, 2023 Order notes, several motions were filed in all dockets except Docket 87685. *MEI-GSR Holdings, LLC*, Nos. 85915, 86092, 86985, 87243, 87303, 87566, 87567 & 87685 (Order Resolving Motions, Dismissing and Consolidating Appeals, and Reinstating Briefing Dec. 29, 2023). That is because those motions pertained to the orders to show cause, which this Court had not filed in Docket 87685.

400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and pursuant to NRAP 25(b) and NEFCR 9, on this 1st day of February 2024, I electronically filed the foregoing **APPELLANTS' MOTION TO RECALL REMITTITUR** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Courts E-Filing system (Eflex). Participants in the case who are registered with Eflex as users will be served by the Eflex system.

/s/ Shannon Dinkel

An employee of Pisanelli Bice PLLC

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC; AM-GSR HOLDINGS, LLC; and GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC,

Appellants,

v

ALBERT THOMAS, *et al.*,

Respondent.

Case No. 87685

DECLARATION OF JORDAN T. SMITH, ESQ.

I, Jordan T. Smith, Esq., pursuant to NRS 53.350 declare as follows:

1. I am a resident of the State of Nevada, and partner with the law firm PISANELLI BICE PLLC (“Pisanelli Bice”), counsel for MEI-GSR Holdings, LLC; AM-GSR Holdings, LLC; and Gage Village Commercial Development, LLC (collectively, “Appellants”) in the above-captioned case.

2. I make this declaration in support of Appellants’ Motion to Recall Remittitur. I have personal knowledge of the facts stated herein and I am competent to testify to those facts, except for those stated upon information and belief and, as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

3. I did not receive an electronic service notification from this Court’s e-service system regarding the remittitur entered in Docket 87685 on January 23, 2024. I directed

my assistants to review their emails, and they had not received an electronic service notification from this Court's e-service system regarding remittitur in Docket 87685.

4. I was unaware of the remittitur in Docket 87685 until January 25, 2024, when I received notice that the remittitur had been filed in the district court's docket. The State Court notice is attached to this Declaration as Exhibit A.

I declare under penalties of perjury of the laws of the State of Nevada that the foregoing is true and corrected.

DATED this 1st day of February 2024.

/s/ Jordan T. Smith
JORDAN T. SMITH, ESQ.

EXHIBIT A

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,

vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNIE ALEXANDER, AS TRUSTEE OF THE MARIE-ANNE 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; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; 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; WILLIAM A. HENDERSON, INDIVIDUALLY; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOL; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE AND MONICA L. LEE, AS TRUSTEES OF THE LEE FAMILY 2002 REVOCABLE TRUST; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICKE; MAXINE RICKE; NORMAN CHANDLER; BENTON WAN; TIMOTHY D. KAPLAN; SILKSCAPE INC., A CALIFORNIA CORPORATION; PETER CHENG; ELISA CHENG; GREG A. CAMERON; TMI PROPERTY GROUP, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; RICHARD LUTZ; SANDRA LUTZ; MARY A. KOSSICK; MELVIN H. CHEAH; DI SHEN; NADINE'S REAL ESTATE INVESTMENTS, LLC; AJIT GUPTA; SEEMA GUPTA; FREDRICK FISH; LISA FISH; ROBERT A. WILLIAMS; JACQUELIN PHAM; MAY ANN HOM, AS TRUSTEE OF THE MAY ANN HOM TRUST; MICHAEL HURLEY; DOMINIC YIN; DUANE WINDHORST; MARILYN WINDHORST; VINOD BHAN; ANNE BHAN; GUY P. BROWNE; GARTH A. WILLIAMS; PAMELA Y. ARATANI; DARLENE LINDGREN; LAVERNE ROBERTS; DOUG MECHAM; CHRISINE MECHAM; KWANGSOO SON; SOO YEUN MOON; JOHNSON AKINDODUNSE; IRENE WEISS, AS TRUSTEE OF THE WEISS FAMILY TRUST; PRAVESH CHOPRA; TERRY POPE; NANCY POPE; JAMES TAYLOR; RYAN TAYLOR; KI HAM; YOUNG JA CHOI; SANG DAE SOHN; KUK HYUNG (CONNIE) YOO;

Supreme Court No. 87685
District Court Case No. CV1202222

SANG SOON (MIKE) YOO; BRETT MENMUIR, AS TRUSTEE OF THE CAYENNE TRUST; WILLIAM MINER, JR.; CHANH TRUONG; ELIZABETH ANDERS MECUA; SHEPARD MOUNTAIN, LLC, A TEXAS LIMITED LIABILITY COMPANY; ROBERT BRUNNER; AMY BRUNNER; JEFF RIOPELLE; PATRICIA M. MOLL; AND DANIEL MOLL,
Respondents.

REMITTITUR

TO: Alicia L. Lerud, Washoe District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: January 23, 2024

Elizabeth A. Brown, Clerk of Court

By: Elyse Hooper
Administrative Assistant

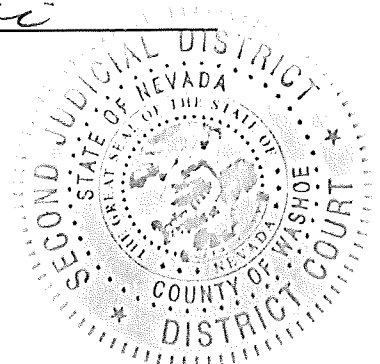
cc (without enclosures):

Hon. Elizabeth Gonzalez, Senior Judge
Pisanelli Bice, PLLC \ Jordan T. Smith
Abran E. Vigil
Ann O. Hall
David C. McElhinney
Robertson, Johnson, Miller & Williamson \ G. David Robertson \ Briana N. Collings
Lemons, Grundy & Eisenberg \ Robert L. Eisenberg

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the REMITTITUR issued in the above-entitled cause, on 1-25-2024.


District Court Clerk



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,

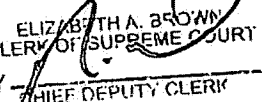
vs.

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
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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. 85915 '

FILED

DEC 29 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

PARKER, INDIVIDUALLY; MICHAEL
IZADY, INDIVIDUALLY; STEVEN
TAKAKI, INDIVIDUALLY; FARAD
TORABKHAN, INDIVIDUALLY;
SAHAR TAVAKOL, INDIVIDUALLY;
M&Y HOLDINGS, LLC; JL&YL
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FISH, INDIVIDUALLY; LISA FISH,

INDIVIDUALLY; ROBERT A.
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JACQUELIN PHAM, INDIVIDUALLY;
MAY ANN HOM, AS TRUSTEE OF THE
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IRENE WEISS, AS TRUSTEE OF THE
WEISS FAMILY TRUST; PRAVESH
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INDIVIDUALLY; RYAN TAYLOR,
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INDIVIDUALLY; KUK HYUNG
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SANG (MIKE) YOO, INDIVIDUALLY;
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ELIZABETH ANDERS MECUA,
INDIVIDUALLY; SHEPHERD

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RIOPELLE, INDIVIDUALLY;
PATRICIA M. MOLL, INDIVIDUALLY;
AND DANIEL MOLL, INDIVIDUALLY,
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No. 86092

MEI-GSR HOLDINGS, LLC, A NEVADA
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vs.

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BARRY HAY, INDIVIDUALLY; MARIE-
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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.

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,

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

No. 86985

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.
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; 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.

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; JANE DUNLAP;
JOHN DUNLAP; BARRY HAY; MARIE-
ANNIE ALEXANDER, AS TRUSTEE OF
THE MARIE-ANNE 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; HENRY NUNN;
MADELYN VAN DER BOKKE; LEE
VAN DER BOKKE; DONALD
SCHREIFELS; ROBERT R. PEDERSON,
INDIVIDUALLY AND AS TRUSTEE OF
THE PEDERSON 1990 TRUST; LOU
ANN PEDERSON, INDIVIDUALLY
AND AS TRUSTEE OF THE

No. 87243

PEDERSON 1990 TRUST; LORI ORDOVER; WILLIAM A. HENDERSON, INDIVIDUALLY; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOL; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE AND MONICA L. LEE, AS TRUSTEES OF THE LEE FAMILY 2002 REVOCABLE TRUST; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON WAN; TIMOTHY D. KAPLAN; SILKSCAPE INC., A CALIFORNIA CORPORATION; PETER CHENG; ELISA CHENG; GREG A. CAMERON; TMI PROPERTY GROUP, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; RICHARD LUTZ; SANDRA LUTZ; MARY A. KOSSICK; MELVIN H. CHEAH; DI SHEN; NADINE'S REAL ESTATE INVESTMENTS, LLC; AJIT GUPTA; SEEMA GUPTA; FREDRICK FISH; LISA FISH; ROBERT A. WILLIAMS; JACQUELIN PHAM; MAY ANN HOM, AS TRUSTEE OF THE MAY ANN HOM TRUST; MICHAEL HURLEY; DOMINIC YIN; DUANE WINDHORST; MARILYN WINDHORST; VINOD BHAN; ANNE BHAN; GUY P. BROWNE; GARTH A. WILLIAMS; PAMELA Y. ARATANI; DARLENE LINDGREN; LAVERNE ROBERTS; DOUG MECHAM; CHRISINE

MECHAM; KWANGSOO SON; SOO
YEUN MOON; JOHNSON
AKINDODUNSE; IRENE WEISS, AS
TRUSTEE OF THE WEISS FAMILY
TRUST; PRAVESH CHOPRA; TERRY
POPE; NANCY POPE; JAMES TAYLOR;
RYAN TAYLOR; KI HAM; YOUNG JA
CHOI; SANG DAE SOHN; KUK HYUNG
(CONNIE) YOO; SANG SOON (MIKE)
YOO; BRETT MENMUIR, AS TRUSTEE
OF THE CAYENNE TRUST; WILLIAM
MINER, JR.; CHANH TRUONG;
ELIZABETH ANDERS MECUA;
SHEPARD MOUNTAIN, LLC, A TEXAS
LIMITED LIABILITY COMPANY;
ROBERT BRUNNER; AMY BRUNNER;
JEFF RIOPELLE; PATRICIA M. MOLL;
AND DANIEL MOLL,

Respondents/Cross-Appellants.

MEI-GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
GRAND SIERRA RESORT UNIT
OWNERS' ASSOCIATION, A NEVADA
NONPROFIT CORPORATION; AM-GSR
HOLDINGS, LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND GAGE
VILLAGE COMMERCIAL
DEVELOPMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellants,

vs.

ALBERT THOMAS; JANE DUNLAP;
JOHN DUNLAP; BARRY HAY; MARIE-
ANNIE ALEXANDER, AS TRUSTEE OF
THE MARIE-ANNE 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;

No. 87303

D'ARCY NUNN; HENRY NUNN;
MADELYN VAN DER BOKKE; LEE
VAN DER BOKKE; DONALD
SCHREIFELS; 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; WILLIAM A. HENDERSON,
INDIVIDUALLY; CHRISTINE E.
HENDERSON; LOREN D. PARKER;
SUZANNE C. PARKER; MICHAEL
IZADY; STEVEN TAKAKI; FARAD
TORABKHAN; SAHAR TAVAKOL; M&Y
HOLDINGS, LLC; JL&YL HOLDINGS,
LLC; SANDI RAINES; R. RAGHURAM;
USHA RAGHURAM; LORI K.
TOKUTOMI; GARRET TOM; ANITA
TOM; RAMON FADRILAN; FAYE
FADRILAN; PETER K. LEE AND
MONICA L. LEE, AS TRUSTEES OF
THE LEE FAMILY 2002 REVOCABLE
TRUST; ELIAS SHAMIEH; JEFFREY
QUINN; BARBARA ROSE QUINN;
KENNETH RICHE; MAXINE RICHE;
NORMAN CHANDLER; BENTON WAN;
TIMOTHY D. KAPLAN; SILKSCAPE
INC., A CALIFORNIA CORPORATION;
PETER CHENG; ELISA CHENG; GREG
A. CAMERON; TMI PROPERTY
GROUP, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY;
RICHARD LUTZ; SANDRA LUTZ;
MARY A. KOSSICK; MELVIN H.
CHEAH; DI SHEN; NADINE'S REAL
ESTATE INVESTMENTS, LLC; AJIT
GUPTA; SEEMA GUPTA; FREDRICK
FISH; LISA FISH; ROBERT A.
WILLIAMS; JACQUELIN PHAM; MAY
ANN HOM, AS TRUSTEE OF THE MAY

ANN HOM TRUST; MICHAEL
HURLEY; DOMINIC YIN; DUANE
WINDHORST; MARILYN WINDHORST;
VINOD BHAN; ANNE BHAN; GUY P.
BROWNE; GARTH A. WILLIAMS;
PAMELA Y. ARATANI; DARLENE
LINDGREN; LAVERNE ROBERTS;
DOUG MECHAM; CHRISINE
MECHAM; KWANGSOO SON; SOO
YEUN MOON; JOHNSON
AKINDODUNSE; IRENE WEISS, AS
TRUSTEE OF THE WEISS FAMILY
TRUST; PRAVESH CHOPRA; TERRY
POPE; NANCY POPE; JAMES TAYLOR;
RYAN TAYLOR; KI HAM; YOUNG JA
CHOI; SANG DAE SOHN; KUK HYUNG
(CONNIE) YOO; SANG SOON (MIKE)
YOO; BRETT MENMUIR, AS TRUSTEE
OF THE CAYENNE TRUST; WILLIAM
MINER, JR.; CHANH TRUONG;
ELIZABETH ANDERS MECUA;
SHEPARD MOUNTAIN, LLC, A TEXAS
LIMITED LIABILITY COMPANY;
ROBERT BRUNNER; AMY BRUNNER;
JEFF RIOPELLE; PATRICIA M. MOLL;
AND DANIEL MOLL,
Respondents.

MEI-GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AM-
GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
GAGE VILLAGE COMMERCIAL
DEVELOPMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
GRAND SIERRA RESORT UNIT
OWNERS' ASSOCIATION, A NEVADA
NONPROFIT CORPORATION,
Appellants/Cross-Respondents,
vs.
ALBERT THOMAS; JANE DUNLAP;
JOHN DUNLAP; BARRY HAY; MARIE-

No. 87566

ANNIE ALEXANDER, AS TRUSTEE OF
THE MARIE-ANNE 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; HENRY NUNN;
MADELYN VAN DER BOKKE; LEE
VAN DER BOKKE; DONALD
SCHREIFELS; 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; WILLIAM A. HENDERSON,
INDIVIDUALLY; CHRISTINE E.
HENDERSON; LOREN D. PARKER;
SUZANNE C. PARKER; MICHAEL
IZADY; STEVEN TAKAKI; FARAD
TORABKHAN; SAHAR TAVAKOL; M&Y
HOLDINGS, LLC; JL&YL HOLDINGS,
LLC; SANDI RAINES; R. RAGHURAM;
USHA RAGHURAM; LORI K.
TOKUTOMI; GARRET TOM; ANITA
TOM; RAMON FADRILAN; FAYE
FADRILAN; PETER K. LEE AND
MONICA L. LEE, AS TRUSTEES OF
THE LEE FAMILY 2002 REVOCABLE
TRUST; ELIAS SHAMIEH; JEFFREY
QUINN; BARBARA ROSE QUINN;
KENNETH RICHE; MAXINE RICHE;
NORMAN CHANDLER; BENTON WAN;
TIMOTHY D. KAPLAN; SILKSCAPE
INC., A CALIFORNIA CORPORATION;
PETER CHENG; ELISA CHENG; GREG
A. CAMERON; TMI PROPERTY
GROUP, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY;

RICHARD LUTZ; SANDRA LUTZ;
MARY A. KOSSICK; MELVIN H.
CHEAH; DI SHEN; NADINE'S REAL
ESTATE INVESTMENTS, LLC; AJIT
GUPTA; SEEMA GUPTA; FREDRICK
FISH; LISA FISH; ROBERT A.
WILLIAMS; JACQUELIN PHAM; MAY
ANN HOM, AS TRUSTEE OF THE MAY
ANN HOM TRUST; MICHAEL
HURLEY; DOMINIC YIN; DUANE
WINDHORST; MARILYN WINDHORST;
VINOD BHAN; ANNE BHAN; GUY P.
BROWNE; GARTH A. WILLIAMS;
PAMELA Y. ARATANI; DARLENE
LINDGREN; LAVERNE ROBERTS;
DOUG MECHAM; CHRISINE
MECHAM; KWANGSOO SON; SOO
YEUN MOON; JOHNSON
AKINDODUNSE; IRENE WEISS, AS
TRUSTEE OF THE WEISS FAMILY
TRUST; PRAVESH CHOPRA; TERRY
POPE; NANCY POPE; JAMES TAYLOR;
RYAN TAYLOR; KI HAM; YOUNG JA
CHOI; SANG DAE SOHN; KUK HYUNG
(CONNIE) YOO; SANG SOON (MIKE)
YOO; BRETT MENMUIR, AS TRUSTEE
OF THE CAYENNE TRUST; WILLIAM
MINER, JR.; CHANH TRUONG;
ELIZABETH ANDERS MECUA;
SHEPARD MOUNTAIN, LLC, A TEXAS
LIMITED LIABILITY COMPANY;
ROBERT BRUNNER; AMY BRUNNER;
JEFF RIOPELLE; PATRICIA M. MOLL;
AND DANIEL MOLL,
Respondents/Cross-Appellants,

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

No. 87567

LIMITED LIABILITY COMPANY,

Appellants,

vs.

ALBERT THOMAS; JANE DUNLAP;
JOHN DUNLAP; BARRY HAY; MARIE-
ANNIE ALEXANDER, AS TRUSTEE OF
THE MARIE-ANNE 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; HENRY NUNN;
MADELYN VAN DER BOKKE; LEE
VAN DER BOKKE; DONALD
SCHREIFELS; 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; WILLIAM A. HENDERSON,
INDIVIDUALLY; CHRISTINE E.
HENDERSON; LOREN D. PARKER;
SUZANNE C. PARKER; MICHAEL
IZADY; STEVEN TAKAKI; FARAD
TORABKHAN; SAHAR TAVAKOL; M&Y
HOLDINGS, LLC; JL&YL HOLDINGS,
LLC; SANDI RAINES; R. RAGHURAM;
USHA RAGHURAM; LORI K.
TOKUTOMI; GARRET TOM; ANITA
TOM; RAMON FADRILAN; FAYE
FADRILAN; PETER K. LEE AND
MONICA L. LEE, AS TRUSTEES OF
THE LEE FAMILY 2002 REVOCABLE
TRUST; ELIAS SHAMIEH; JEFFREY
QUINN; BARBARA ROSE QUINN;
KENNETH RICKE; MAXINE RICKE;
NORMAN CHANDLER; BENTON WAN;
TIMOTHY D. KAPLAN; SILKSCAPE

INC., A CALIFORNIA CORPORATION;
PETER CHENG; ELISA CHENG; GREG
A. CAMERON; TMI PROPERTY
GROUP, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY;
RICHARD LUTZ; SANDRA LUTZ;
MARY A. KOSSICK; MELVIN H.
CHEAH; DI SHEN; NADINE'S REAL
ESTATE INVESTMENTS, LLC; AJIT
GUPTA; SEEMA GUPTA; FREDRICK
FISH; LISA FISH; ROBERT A.
WILLIAMS; JACQUELIN PHAM; MAY
ANN HOM, AS TRUSTEE OF THE MAY
ANN HOM TRUST; MICHAEL
HURLEY; DOMINIC YIN; DUANE
WINDHORST; MARILYN WINDHORST;
VINOD BHAN; ANNE BHAN; GUY P.
BROWNE; GARTH A. WILLIAMS;
PAMELA Y. ARATANI; DARLENE
LINDGREN; LAVERNE ROBERTS;
DOUG MECHAM; CHRISINE
MECHAM; KWANGSOO SON; SOO
YEUN MOON; JOHNSON
AKINDODUNSE; IRENE WEISS, AS
TRUSTEE OF THE WEISS FAMILY
TRUST; PRAVESH CHOPRA; TERRY
POPE; NANCY POPE; JAMES TAYLOR;
RYAN TAYLOR; KI HAM; YOUNG JA
CHOI; SANG DAE SOHN; KUK HYUNG
(CONNIE) YOO; SANG SOON (MIKE)
YOO; BRETT MENMUIR, AS TRUSTEE
OF THE CAYENNE TRUST; WILLIAM
MINER, JR.; CHANH TRUONG;
ELIZABETH ANDERS MECUA;
SHEPARD MOUNTAIN, LLC, A TEXAS
LIMITED LIABILITY COMPANY;
ROBERT BRUNNER; AMY BRUNNER;
JEFF RIOPELLE; PATRICIA M. MOLL;
AND DANIEL MOLL,
Respondents.
MEI-GSR HOLDINGS, LLC, A NEVADA

No. 87685 ✓

LIMITED LIABILITY COMPANY; AM-
GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
GAGE VILLAGE COMMERCIAL
DEVELOPMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellants,

vs.

ALBERT THOMAS; JANE DUNLAP;
JOHN DUNLAP; BARRY HAY; MARIE-
ANNIE ALEXANDER, AS TRUSTEE OF
THE MARIE-ANNE 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; HENRY NUNN;
MADELYN VAN DER BOKKE; LEE
VAN DER BOKKE; DONALD
SCHREIFELS; 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; WILLIAM A. HENDERSON,
INDIVIDUALLY; CHRISTINE E.
HENDERSON; LOREN D. PARKER;
SUZANNE C. PARKER; MICHAEL
IZADY; STEVEN TAKAKI; FARAD
TORABKHAN; SAHAR TAVAKOL; M&Y
HOLDINGS, LLC; JL&YL HOLDINGS,
LLC; SANDI RAINES; R. RAGHURAM;
USHA RAGHURAM; LORI K.
TOKUTOMI; GARRET TOM; ANITA
TOM; RAMON FADRILAN; FAYE
FADRILAN; PETER K. LEE AND
MONICA L. LEE, AS TRUSTEES OF
THE LEE FAMILY 2002 REVOCABLE

TRUST; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON WAN; TIMOTHY D. KAPLAN; SILKSCAPE INC., A CALIFORNIA CORPORATION; PETER CHENG; ELISA CHENG; GREG A. CAMERON; TMI PROPERTY GROUP, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; RICHARD LUTZ; SANDRA LUTZ; MARY A. KOSSICK; MELVIN H. CHEAH; DI SHEN; NADINE'S REAL ESTATE INVESTMENTS, LLC; AJIT GUPTA; SEEMA GUPTA; FREDRICK FISH; LISA FISH; ROBERT A. WILLIAMS; JACQUELIN PHAM; MAY ANN HOM, AS TRUSTEE OF THE MAY ANN HOM TRUST; MICHAEL HURLEY; DOMINIC YIN; DUANE WINDHORST; MARILYN WINDHORST; VINOD BHAN; ANNE BHAN; GUY P. BROWNE; GARTH A. WILLIAMS; PAMELA Y. ARATANI; DARLENE LINDGREN; LAVERNE ROBERTS; DOUG MECHAM; CHRISINE MECHAM; KWANGSOO SON; SOO YEUN MOON; JOHNSON AKINDODUNSE; IRENE WEISS, AS TRUSTEE OF THE WEISS FAMILY TRUST; PRAVESH CHOPRA; TERRY POPE; NANCY POPE; JAMES TAYLOR; RYAN TAYLOR; KI HAM; YOUNG JA CHOI; SANG DAE SOHN; KUK HYUNG (CONNIE) YOO; SANG SOON (MIKE) YOO; BRETT MENMUIR, AS TRUSTEE OF THE CAYENNE TRUST; WILLIAM MINER, JR.; CHANH TRUONG; ELIZABETH ANDERS MECUA; SHEPARD MOUNTAIN, LLC, A TEXAS LIMITED LIABILITY COMPANY;

ROBERT BRUNNER; AMY BRUNNER;
JEFF RIOPELLE; PATRICIA M. MOLL;
AND DANIEL MOLL,
Respondents.

*ORDER RESOLVING MOTIONS, DISMISSING AND
CONSOLIDATING APPEALS, AND REINSTATING BRIEFING*

These are eight appeals and cross-appeals from various orders and judgments in a contract and tort action in which a receiver was appointed. Second Judicial District Court, Washoe County; Elizabeth Gonzalez, Sr. Judge. Currently before this court are several pending motions, including two emergency motions for stay (Docket Nos. 86092/87243) and a motion to dismiss as moot (Docket No. 85915), as well as responses to our orders to show cause why the appeal and cross-appeal in Docket No. 86092 should not be dismissed for lack of jurisdiction. We address jurisdiction first.

Jurisdiction

In our initial order to show cause, we noted that, while the district court's April 10, 2023, amended judgment appears to have resolved all of the damages claims asserted below, the receivership imposed pursuant to cross-appellants' complaint remains pending, such that it was unclear whether a final, appealable judgment had been entered per NRAP 3A(b)(1), or whether the receivership proceedings might be collateral to the claims resolved by the amended 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) (describing a final judgment in a receivership action). We also questioned whether the January and March 2023 orders may be challenged in the context of the appeal and cross-appeal

from that amended judgment, because they appeared merely to direct turnover of a receivership asset at the request of the receiver, noting that appellants did not name the receiver as a respondent to the appeal.

The parties timely filed responses and supplemental responses to the show cause order. Among other arguments, cross-appellants asserted that we have jurisdiction because, after the show cause order was issued, the district court granted their motion for NRCP 54(b) certification. The district court's June 28, 2023, order granting their motion for certification did not, however, make an express determination that there is no just reason for delay and direct entry of any final judgment, both of which are required by NRCP 54(b). Because the order was thus ineffective, *Hern v. Erhardt*, 113 Nev. 1330, 1334 n.4, 948 P.2d 1195, 1197 n.4 (1997); *Aldabe v. Evans*, 83 Nev. 135, 425 P.2d 598 (1967), we issued a second show cause order granting additional time in which to seek from the district court, and provide to this court, an amended NRCP 54(b) certification reflecting the district court's express determination that there is no just reason for delay and that expressly directs entry of final judgment.

Cross-appellants timely responded to the second show cause order, providing a November 28, 2023, district court order that properly certifies the amended judgment as final pursuant to NRCP 54(b) and explains that the receivership's oversight is an ongoing judicial responsibility over which the court has repeatedly and expressly retained jurisdiction. Appellants have filed a motion to set aside or strike the certification order, asserting, consistent with their arguments in various motions and show cause responses, that the amended judgment is final and

appealable and thus the certification was improvidently granted. Cross-appellants oppose the motion, and appellants have filed a reply.¹

As this court has explained, 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. *Kirby*, 34 Nev. at 214, 117 P. at 4; *see also Alper v. Posin*, 77 Nev. 328, 331, 363 P.2d 502, 503 (1961) (relying on the "dictum" in *Kirby* in determining that an order confirming sale is not the final judgment when the receiver must still liquidate debts, wind up affairs, distribute proceeds, and present a final report to the court, which must then act on it), *abrogated on other grounds by Lee*, 116 Nev. 424, 996 P.2d 416; *see generally Conlon v. Kelly*, 92 N.E. 109, 110 (N.Y. 1910) (providing that an order discharging the receiver, awarding a party possession of the property, and directing the money in the hands of the receiver collected for rents to be turned over "is regarded as a final order in a special proceeding"); *Theatres of Am., Inc. v. State*, 577 S.W.2d 542, 547 (Tex. Civ. App. 1979) ("The orders of the trial court approving the final report of the receiver, discharging the receiver, and taxing costs of the receivership are final and appealable."). In other words, the final judgment must wrap up all pending receivership matters.

Although a final judgment on the damages claims may end the need for a receivership, the district court here intentionally and expressly maintained the receivership post-judgment to dissolve the association, sell the units, conduct accountings, and wind up the receivership estate. It appears that the court had jurisdiction to do so. *See County of Sacramento v. Singh*, 280 Cal. Rptr. 3d 267, 273 (Ct. App. 2021) ("Dismissal of the

¹The motion to set aside or strike, the opposition thereto, and the reply were filed in all dockets except Docket No. 87685.

complaint does not deprive the trial court of jurisdiction to settle the receiver's account and discharge the receiver."); *Julian v. Schwartz*, 34 P.2d 487, 488 (Cal. 1934) ("Examination of the authorities indicates that an appeal from the judgment does not serve to divest the trial court of jurisdiction to deal with an ancillary receiver (the equivalent of which we have before us in the present case) and the funds or property held by him."); *Ireland v. Nichols*, 1870 WL 7433 (N.Y. Super. 1870) ("According to the current of the authorities, the entry of the judgment in favor of the defendants had the effect of ending the functions of the receiver, but the receiver is not discharged thereby. The court may, according to the exigencies of the case, upon good cause shown, either continue or discharge him by a further order, upon an examination of the peculiar facts of this case."). As we conclude that the receivership is ongoing and no final judgment has been entered, *Alper*, 77 Nev. at 331, 363 P.2d at 503, it follows that the district court properly certified as final the amended judgment resolving the damages claims under NRCP 54(b), and we deny appellants' motion to set aside or strike the certification.² In light of this conclusion, we resolve the remaining pending matters and reinstate briefing as follows.

Pending matters

Docket No. 85915

Docket No. 85915 is an appeal and cross-appeal from a December 5, 2022, district court order granting a preliminary injunction in part, allowing unit owners to vote on dissolution but imposing a court-

²In concluding that the district court intentionally and expressly maintained the receivership post-judgment, rendering the amended judgment interlocutory for appellate jurisdiction purposes absent NRCP 54(b) certification, we express no opinion on the propriety of the district court's actions.

supervised dissolution and sale process, which is to proceed through the receivership. Both appellants and cross-appellants appealed, and we have jurisdiction under NRAP 3A(b)(3). Appellants have now moved to dismiss the appeal and cross-appeal as moot, contending that the preliminary injunction merged into (and dissolved upon) the final judgment being entered. In opposition, cross-appellants argue that the receivership is ongoing and thus no final judgment has been entered. As explained above, the receivership is expressly ongoing—in part to complete the activities contemplated in the December 5 order—and, thus, no final judgment has been entered into which the preliminary injunction could merge or dissolve. Accordingly, we deny the motion to dismiss the appeal and cross-appeal in Docket No. 85915.

Docket No. 86092

Docket No. 86092 is the appeal and cross-appeal from the amended judgment, certified as final under NRCP 54(b). After appellants sought an emergency stay of two interlocutory orders, entered on January 26 and March 27, 2023, regarding the receiver's motion for orders and instructions and instructing appellants to deposit approximately \$1.1 million with the receiver, we granted a temporary stay pending receipt and consideration of the parties' responses to our jurisdictional concerns and further order of this court. In our initial show cause order, we asked the parties to address whether, even if jurisdiction is proper as to the amended judgment, the January and March orders may be challenged in the context of the appeal and cross-appeal from that judgment, as the orders appeared merely to direct turnover of a receivership asset at the request of the receiver, noting that appellants did not name the receiver as a respondent to the appeal. *See, e.g.,* NRAP 3A(b)(4) (providing for appeals from only certain limited interlocutory orders in receivership proceedings); *Alper*, 77

Nev. at 331, 363 P.2d at 503; *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).

Given these authorities and our conclusion that the district court has not entered an order finally winding up the receivership, we conclude that we lack jurisdiction over the interlocutory receivership orders. Thus, the January and March orders may not be considered in the context of this appeal from the amended judgment on the damages claims,³ and we deny as moot appellants' emergency motion for stay. In light of this order, we vacate our May 8, 2023, temporary stay.

Docket No. 86985

This is an appeal and cross-appeal from a second amended judgment and corrected second amended judgement, entered on June 29 and July 10, respectively. It appears that these latter two judgments merely added attorney fees and costs to the April 10 amended judgment, and thus, they are appealable as special orders after final judgment under NRAP 3A(b)(8). *See generally Wilsey v. Fielding*, 767 P.2d 280, 281-82

³For the same reason, we need not reach whether the receiver is a necessary respondent to the appeal.

(Idaho Ct. App. 1989) (reasoning that an order awarding attorney fees based on an order certified as final under a rule similar to NRCP 54(b) was an appealable post-judgment order). To the extent appellants assert that the second amended and corrected second amended judgments were superfluous because they merely repeated amounts awarded in May orders, the parties' notices of appeal were timely filed as to the May orders. NRAP 4(a)(1). Thus, this appeal and cross-appeal may proceed.

Docket No. 87243 and 87566

Docket No. 87243 is an appeal and cross-appeal from a July 27, 2023, district court order resolving two show cause motions from the year before. In the order, the court found that appellants had misappropriated \$16,455,101.46 from reserve accounts controlled by the receiver and ordered them to return the funds with interest, fining them \$500 under NRS 22.100 plus yet-to-be-determined attorney fee and other expenses. In their notices of appeal, the parties questioned whether the order was appealable. Further, appellants have filed an emergency motion for stay of the contempt order pending appeal, which motion cross-appellants oppose.

Docket No. 87566 is appellants' appeal from an October 3, 2023, district court order granting in part cross-appellants' motion for attorney fees stemming from the contempt proceedings. The order describes how to calculate the fees awarded and asks the parties to submit an order for the fees awarded but does not set an amount.

We conclude that, for the reasons acknowledged above, we lack jurisdiction over these appeals. The July 27 order is interlocutory within the ongoing receivership proceedings. Additionally, contempt orders are not independently appealable. *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 671 (2000) (recognizing that a contempt order entered in an ancillary proceeding is not appealable). With respect to the

October 3 order, it does not finally resolve the fee matter and, also, is interlocutory. Accordingly, we dismiss these appeals and deny as moot the emergency motion for stay filed in Docket No. 87243.

Docket Nos. 87303, 87567, and 87685

In these three appeals, appellants challenge district court orders overruling their objections to the receiver's calculations of monthly net rents. Docket No. 87303 is an appeal from an August 14, 2023, district court order; Docket No. 87567 is an appeal from an October 3, 2023, district court order; and Docket No. 87685 is an appeal from an October 23, 2023, district court order. Appellants again acknowledge in their notices of appeal that the orders might not be substantively appealable. We conclude that, as interlocutory orders in the receivership proceedings, they are not appealable. Therefore, these appeals are dismissed for lack of jurisdiction.

Consolidation and reinstatement of briefing


Appellants have filed a motion to consolidate the appeals, to which cross-appellants have filed a partial joinder.⁴ The motion is granted to the following extent. The appeals in Docket Nos. 86092 and 86985 are hereby consolidated. NRAP 3(b). The appeal in Docket No. 85915 shall proceed separately, but along a parallel track. Once briefed, the appeals shall be clustered based on the related subject matter to ensure that they are resolved in a consistent and efficient manner. IOP 2(b)(3).

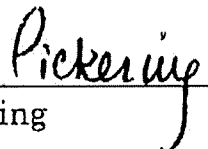
Accordingly, briefing is reinstated in all three appeals. Cross-appellants shall have 14 days from the date of this order to file and serve a transcript request form or certificate of no transcript request in Docket Nos.

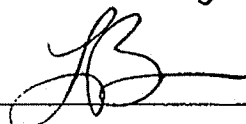
⁴The motion to consolidate and the joinder thereto, as well as appellants' reply, were filed in all dockets except Docket Nos. 85915 and 87685.

86092/86985. See NRAP 9(a). Appellants shall have 90 days from the date of this order to file and serve the opening brief and appendix in Docket No. 85915 and the opening brief and appendix in Docket Nos. 86092/86985. Thereafter, briefing shall proceed in accordance with NRAP 28.1(f)(1).

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

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

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office.

DATE: 01/23/2024

Supreme Court Clerk, State of Nevada

By Elyse H. Hooper Deputy

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,

vs.

ALBERT THOMAS; JANE DUNLAP; JOHN DUNLAP; BARRY HAY; MARIE-ANNIE ALEXANDER, AS TRUSTEE OF THE MARIE-ANNE 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; HENRY NUNN; MADELYN VAN DER BOKKE; LEE VAN DER BOKKE; DONALD SCHREIFELS; 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; WILLIAM A. HENDERSON, INDIVIDUALLY; CHRISTINE E. HENDERSON; LOREN D. PARKER; SUZANNE C. PARKER; MICHAEL IZADY; STEVEN TAKAKI; FARAD TORABKHAN; SAHAR TAVAKOL; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES; R. RAGHURAM; USHA RAGHURAM; LORI K. TOKUTOMI; GARRET TOM; ANITA TOM; RAMON FADRILAN; FAYE FADRILAN; PETER K. LEE AND MONICA L. LEE, AS TRUSTEES OF THE LEE FAMILY 2002 REVOCABLE TRUST; ELIAS SHAMIEH; JEFFREY QUINN; BARBARA ROSE QUINN; KENNETH RICHE; MAXINE RICHE; NORMAN CHANDLER; BENTON WAN; TIMOTHY D. KAPLAN; SILKSCAPE INC., A CALIFORNIA CORPORATION; PETER CHENG; ELISA CHENG; GREG A. CAMERON; TMI PROPERTY GROUP, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; RICHARD LUTZ; SANDRA LUTZ; MARY A. KOSSICK; MELVIN H. CHEAH; DI SHEN; NADINE'S REAL ESTATE INVESTMENTS, LLC; AJIT GUPTA; SEEMA GUPTA; FREDRICK FISH; LISA FISH; ROBERT A. WILLIAMS; JACQUELIN PHAM; MAY ANN HOM, AS TRUSTEE OF THE MAY ANN HOM TRUST; MICHAEL HURLEY; DOMINIC YIN; DUANE WINDHORST; MARILYN WINDHORST; VINOD BHAN; ANNE BHAN; GUY P. BROWNE; GARTH A. WILLIAMS; PAMELA Y. ARATANI; DARLENE LINDGREN; LAVERNE ROBERTS; DOUG MECHAM; CHRISINE MECHAM; KWANGSOO SON; SOO YEUN MOON; JOHNSON AKINDODUNSE; IRENE WEISS, AS TRUSTEE OF THE WEISS FAMILY TRUST; PRAVESH CHOPRA; TERRY POPE; NANCY POPE; JAMES TAYLOR; RYAN TAYLOR; KI HAM; YOUNG JA CHOI; SANG DAE SOHN; KUK HYUNG (CONNIE) YOO;

Supreme Court No. 87685
District Court Case No. CV1202222

SANG SOON (MIKE) YOO; BRETT MENMUIR, AS TRUSTEE OF THE CAYENNE TRUST; WILLIAM MINER, JR.; CHANH TRUONG; ELIZABETH ANDERS MECUA; SHEPARD MOUNTAIN, LLC, A TEXAS LIMITED LIABILITY COMPANY; ROBERT BRUNNER; AMY BRUNNER; JEFF RIOPELLE; PATRICIA M. MOLL; AND DANIEL MOLL,
Respondents.

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"These appeals are dismissed for lack of jurisdiction."

Judgment, as quoted above, entered this 29th day of December, 2023.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this January 23, 2024.

Elizabeth A. Brown, Supreme Court Clerk

By: Elyse Hooper
Administrative Assistant

