

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

No. 87685

FILED

MAR 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

24-07590

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 DENYING MOTION TO RECALL REMITTITUR

This court issued an order dismissing this appeal on December 29, 2023. The deadline for filing a petition for rehearing was January 16, 2024. *See* NRAP 40(a)(1). Despite seeking rehearing in several related appeals, appellants did not file a petition for rehearing of this appeal. As a result, remittitur issued in the ordinary course on January 23, 2024. *See* NRAP 41(a)(1). Appellants have now filed a motion to recall remittitur, arguing that this court “appears to have mistakenly dismissed” this appeal without affording notice and an opportunity to be heard and, consequently, remittitur was issued “mistakenly or inadvertently.” Respondents oppose the motion and appellants have filed a reply.

This court may only recall remittitur 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.” *Wood v. State*, 60 Nev. 139, 141, 104 P.2d 187, 188 (1940). If appellants believe this court improperly dismissed this appeal, then it was their responsibility to timely file a petition for rehearing. *See* NRAP 40(a)(1). Appellants do not dispute that they received notice of the order dismissing this appeal. Nor do appellants contend that they failed to file a petition for rehearing due to excusable neglect or the like. Instead, appellants say they decided not to seek

rehearing “[b]ecause the orders to show cause had not been filed in [this docket].” Appellants do not argue, much less show, that this prevented them from timely filing a petition for rehearing, which would have stayed the issuance of remittitur. *See* NRAP 41(b)(1). Thus, remittitur properly issued in the normal course, and appellants do not demonstrate good cause to recall remittitur here. Accordingly, the motion is denied.

It is so ORDERED.

_____, C.J.

cc: Meruelo Group LLC/Reno
Pisanelli Bice, PLLC
Robertson, Johnson, Miller & Williamson
Lemons, Grundy & Eisenberg