

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARRCSHARE LEASING, INC., AND MACER ASSOCIATES, LTD., LP, A LIMITED PARTNERSHIP BY AND THROUGH ITS GENERAL PARTNER, RALPH MANN,  
Appellants,

vs.

VICTORY VILLAGE LTD. III, A NEVADA LIMITED PARTNERSHIP AND TRI CAPITAL CORPORATION, A CALIFORNIA CORPORATION,  
Respondents.

FORT WORTH CREDIT PARTNERS, LTD., AND STEP'N INVESTMENTS, INC.,  
Appellants,

vs.

DSM GOLF ENTERPRISES, INC., A NEVADA CORPORATION; PRAETORIAN INTERNATIONAL DEVELOPMENT, LTD.; MOONRIDGE DEVELOPMENT CORP., A NEVADA CORPORATION; VICTORY VILLAGE, LTD. III LIMITED PARTNERSHIP, A NEVADA LIMITED PARTNERSHIP; TRI CAPITAL CORPORATION; TRI CAPITAL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; WILLIAM SZYMCAK, AN INDIVIDUAL; JOHN SWEAZY, AN INDIVIDUAL; AND JAMES H. REID, AN INDIVIDUAL,  
Respondents.

VICTORY VILLAGE LTD. III, A NEVADA LIMITED PARTNERSHIP; TRI CAPITAL CORPORATION; AND TRI CAPITAL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY,  
Appellants,

vs.

MARRCSHARE LEASING, INC.; MACER ASSOCIATES, LTD., LP, A LIMITED PARTNERSHIP BY AND THROUGH ITS GENERAL PARTNER; FORT WORTH CREDIT PARTNERS, LTD.; AND STEP'N INVESTMENTS, INC.,  
Respondents.

No. 51508/53155

**FILED**

AUG 25 2009

THACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

FORT WORTH CREDIT PARTNERS, LTD. AND  
STEP'N INVESTMENTS, INC.,  
Appellants,

No. 53155

vs.

VICTORY VILLAGE LTD. III, A NEVADA LIMITED  
PARTNERSHIP; TRI CAPITAL, LLC, A  
CALIFORNIA LIMITED LIABILITY COMPANY; TRI  
CAPITAL CORPORATION, A CALIFORNIA  
CORPORATION; WILLIAM SZYMCAK, AN  
INDIVIDUAL; AND JOHN SWEAZEY, AN  
INDIVIDUAL,  
Respondents.

ORDER DISMISSING APPEAL (DOCKET NO. 53155)  
AND REINSTATING BRIEFING (DOCKET NO. 51508)

These are appeals from a final district court order in four consolidated partnership and collection actions (Docket No. 51508) and an appeal from an order concerning attorney fees and costs (Docket No. 53155).

When our preliminary review of the docketing statements and the NRAP 3(e) documents in these appeals revealed a potential jurisdictional defect, we ordered appellants to show cause why these appeals should not be dismissed for lack of jurisdiction. Specifically, it was unclear whether the district court had entered a final written judgment adjudicating all of the rights and liabilities of all of the parties to the consolidated actions below. See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools v. Workman, 107 Nev. 340, 810 P.2d 1217 (1991); Mallin v. Farmers Insurance Exchange, 106 Nev. 606, 797 P.2d 978 (1990) (recognizing that consolidated district court actions are treated as one case for purposes of determining whether a final, appealable judgment has been entered). The parties timely responded by producing orders adjudicating many of the noted claims; no order was submitted that resolved the claims and any crossclaims and counterclaims

arising in District Court Case No. A387150, involving plaintiff Tri Capital Corporation, however. Therefore, because the Case No. A387150 claims appeared to remain pending, on May 6, 2009, we again ordered appellants to show cause why these appeals should not be dismissed for lack of jurisdiction.

After being granted an extension of time, appellants Victory Village Ltd. III, Tri Capital Corporation, and Tri Capital LLC timely responded to our May 6 show cause order. In response, they submitted a July 14, 2009, district court order formally resolving all of the claims in Case No. A387150. As the July 14 order constitutes the final, appealable judgment in the consolidated matters below, the appeals in Docket No. 51508 may proceed. NRAP 3A(b)(1); NRAP 4(a)(6). Accordingly, we hereby reinstate the deadlines for requesting and preparing transcripts, and the briefing schedule, in Docket No. 51508. Because appellants Fort Worth Credit Partners, Ltd., and Step'n Investments, Inc., may challenge the attorney fees and costs order in the context of their appeal from the final judgment in Docket No. 51508, see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998), however, we hereby dismiss the appeal in Docket No. 53155.


Appellants Marrcshare Leasing, Inc., and Macer Associates, Ltd., LP, shall have 15 days from the date of this order to file and serve a completed transcript request form for Docket No. 51508. See NRAP 9(a).<sup>1</sup> Further, this matter will follow a parallel briefing schedule. The three appellant groups shall have 60 days from the date of this order to file and


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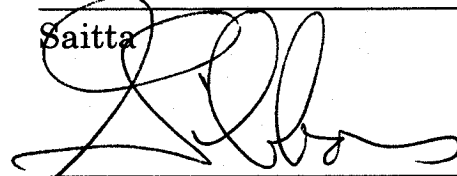
<sup>1</sup>If no transcript is to be requested, Marrcshare and Macer shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

serve their opening briefs and appendices, addressing the issues raised in their respective appeals.<sup>2</sup> Respondents then shall have 30 days from when the applicable opening brief is served to file and serve an answering brief. Finally, each appellant group shall have 30 days from the date of service of the applicable answering brief to file and serve their reply brief.

It is so ORDERED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Mark R. Denton, District Judge  
Fennemore Craig, P.C./Las Vegas  
Law Offices of James J. Lee  
Weil & Petrocchi, P.C.  
Wallace B. Adams  
Holland & Hart LLP/Las Vegas  
Eighth District Court Clerk  
Kim Tuchman, Court Reporter

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<sup>2</sup>In preparing and assembling the appendices, counsel shall strictly comply with the provisions of NRAP 30.

<sup>3</sup>In light of this order, we deny as moot the August 5, 2009, motion to consolidate these appeals.