

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRINCIPAL INVESTMENTS, INC. D/B/A
RAPID CASH; GRANITE FINANCIAL
SERVICES, INC. D/B/A RAPID CASH;
FMMR INVESTMENTS, INC. D/B/A RAPID
CASH; PRIME GROUP, INC. D/B/A RAPID
CASH; AND ADVANCE GROUP, INC. D/B/A
RAPID CASH,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE ELIZABETH GOFF
GONZALEZ, DISTRICT JUDGE,

Respondents,

and

CASANDRA HARRISON; EUGENE
VARCADOS; CONCEPCION QUINTINO;
AND MARY DUNGAN,

Real Parties in Interest.

PRINCIPAL INVESTMENTS, INC. D/B/A
RAPID CASH; GRANITE FINANCIAL
SERVICES, INC. D/B/A RAPID CASH;
FMMR INVESTMENTS, INC. D/B/A RAPID
CASH; PRIME GROUP, INC. D/B/A RAPID
CASH; AND ADVANCE GROUP, INC. D/B/A
RAPID CASH,

Appellants,

vs.

CASANDRA HARRISON; EUGENE
VARCADOS; CONCEPCION QUINTINO;
AND MARY DUNGAN, INDIVIDUALLY
AND ON BEHALF OF ALL PERSONS
SIMILARLY SITUATED,

Respondents.

No. 57371

FILED

SEP 19 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingoson*
DEPUTY CLERK

No. 57625 ✓

PRINCIPAL INVESTMENTS, INC. D/B/A
RAPID CASH; GRANITE FINANCIAL
SERVICES, INC. D/B/A RAPID CASH;
FMMR INVESTMENTS, INC. D/B/A RAPID
CASH; PRIME GROUP, INC. D/B/A RAPID
CASH; AND ADVANCE GROUP, INC. D/B/A
RAPID CASH,

Appellants,

vs.

CASANDRA HARRISON; EUGENE
VARCADOS; CONCEPCION QUINTINO;
AND MARY DUNGAN, INDIVIDUALLY
AND ON BEHALF OF ALL PERSONS
SIMILARLY SITUATED,

Respondents.

No. 59837

**ORDER DENYING PETITION FOR EN BANC RECONSIDERATION
(DOCKET NO. 57371), DISMISSING APPEAL (DOCKET NO. 57625),
AND REINSTATING BRIEFING (DOCKET NO. 59837)**

These three matters arise from petitioners/appellants' (appellants) challenge to a November 29, 2010, district court order denying a motion to compel arbitration (Docket Nos. 57371 and 57625) of the issues raised in real parties in interest/respondents' (respondents) original complaint, and a November 30, 2011, district court order denying their renewed motion to compel arbitration of the issues raised in the amended complaint (Docket No. 59837).

This court previously entered an order denying the petition for a writ of mandamus in Docket No. 57371 and an order denying appellants' subsequent petition for rehearing. Appellants have now filed a petition for en banc reconsideration of the order denying their petition for a writ of mandamus, to which respondents have filed an answer and appellants have filed a reply. Also pending is respondents' motion to dismiss the

appeal in Docket No. 57625 as untimely and appellants' motions to consolidate all three matters, as well as responses thereto.

Generally, an amended complaint supersedes the original complaint. Randono v. Ballow, 100 Nev. 142, 143, 676 P.2d 807, 808 (1984). Here, in the district court's November 2011 order, challenged in Docket No. 59837, the court determined that the amended complaint raised some issues distinct from the original complaint that allowed appellants to file a second motion to compel arbitration. Nevertheless, according to appellants' docketing statement in Docket No. 59837, it appears that appellants challenge the decisions denying both motions to compel upon the same grounds. Accordingly, we conclude that en banc reconsideration in Docket No. 57371 is unwarranted and, thus, deny such petition. See NRAP 40A(a); Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) ("[T]he right to appeal is generally an adequate legal remedy that precludes writ relief."). Further, since appellants may challenge the district court's relevant decision declining to compel arbitration in their timely appeal in Docket No. 59837, we dismiss as moot the appeal filed in Docket No. 57625.¹ Finally, we reinstate briefing in Docket No. 59837. Accordingly, appellants shall have 45 days from the date of this order to file and serve the opening brief and appendix in Docket No. 59837. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

¹With regard to respondents' motion to dismiss as untimely the appeal in Docket No. 57625, we agree that the appeal's untimeliness constitutes an additional basis for dismissal.

It is so ORDERED.²

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Ara H. Shirinian, Settlement Judge
Lewis & Roca, LLP/Las Vegas
Gordon & Silver, Ltd.
Ballard Spahr Andrews & Ingersoll, LLP
Legal Aid Center of Southern Nevada
Kemp, Jones & Coulthard, LLP
Eighth District Court Clerk

²The Honorable Ron D. Parraguirre, Justice, voluntarily recused himself from participation in the decision of this matter.

Given our disposition of these matters, we deny appellants' motions to consolidate.