

IN THE SUPREME COURT OF THE STATE OF NEVADA

ICARO MEDIA GROUP, INC., A
NEVADA CORPORATION; PAUL
FELLER, AN INDIVIDUAL; AND
ELIZABETH ANNE PETTY, AN
INDIVIDUAL,

Appellants,

vs.

ROBERT PETTY, AN INDIVIDUAL,
Respondent.

ICARO MEDIA GROUP, INC., A
NEVADA CORPORATION; PAUL
FELLER, AN INDIVIDUAL; AND
ELIZABETH ANNE PETTY, AN
INDIVIDUAL,

Appellants,

vs.

ROBERT PETTY, AN INDIVIDUAL,
Respondent.

No. 85770

FILED

APR 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 86078 ✓

*ORDER DISMISSING APPEAL, DENYING MOTION TO
CONSOLIDATE, AND GRANTING MOTION FOR EXTENSION OF
TIME*

These are two related appeals from a final judgment (Docket No. 85770) and a district court order denying a motion for reconsideration after final judgment (Docket No. 86078). Because no statute or court rule appears to authorize an independent appeal from a district court order

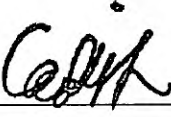
denying a motion for reconsideration, this court issued an order to show cause in Docket No. 86078. In that order, this court stated that “[t]he order denying the motion for reconsideration may be reviewed in the context of the appeal in Docket No. 85770.” *Cf. A Cab, LLC v. Murray*, 137 Nev. 805,501 P.3d 961 (2021) (“Orders deciding an NRCP 59(e) motion are not independently appealable but are reviewed for an abuse of discretion when included with a proper appeal.”).

Appellants and respondent have now filed a joint motion, apparently in response to the order to show cause, to consolidate these two appeals. While this motion addresses the potential jurisdictional defect, it fails to demonstrate why Docket No. 86078 should not be dismissed for lack of jurisdiction. It is appellants’ burden “to establish, to our satisfaction, that this court does in fact have jurisdiction.” *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001). Because we lack jurisdiction over the appeal in Docket No. 86078, that appeal is dismissed.


In the joint motion to consolidate, an extension of the briefing schedule was requested. Subsequently, appellants filed a motion for a second extension of time to file the opening brief and appendix in Docket No. 85770. The motion is granted. *See* NRAP 26(b)(1)(B); NRAP 31(b)(3)(A)(iv). This court will take no action in regard to the request included in the joint motion to consolidate. Appellants shall have until May 11, 2023, to file and serve the opening brief and appendix in Docket No. 85770. No further extensions shall be permitted absent extraordinary and compelling circumstances. *Id.* Counsel’s caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 376, 528 P.2d 1027, 1028-29 (1974). Failure to comply with this order may result in

the imposition of sanctions, including dismissal of the appeal in Docket No. 85770. See NRAP 31(d).

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Crystal Eller, District Judge
Dickinson Wright PLLC
The Law Office of Kennan E. Kaeder
The Law Offices of Timothy Elson
Eighth District Court Clerk