

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHEMEON SURFACE TECHNOLOGY,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; DEAN MEILING; AND
MADYLON MEILING,
Appellants,

vs.

MARC HARRIS; JEFF MACKINEN;
JERRY ALEXANDER; MARTY COHEN;
CHARLES DELLE DONNE; RICHARD
SCOTT ELDER; ARNIE GETTELSON;
JERRY HOLLANDER; ELIAS
KASSOUF; DON MARSHALL; JERRY
MCDONALD; RON MELANSON; KEN
MILES; MARVIN MILLS; MARC
MORIN; ROBERT PARKER; DENNIS
POULSEN; RON SMITH; ANDREW
TANNER; CRAIG TIEFENTHALER;
VIRGINIA WALLACE; AND GERALD
WOLFE,
Respondents.

No. 75370

FILED

SEP 03 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING REHEARING

We deny appellants' petition for rehearing. See NRAP 40(c).

Appellants' reliance on *Barton v. Barbour*, 104 U.S. 126, 128 (1881), as a basis for rehearing is misplaced. Appellants did not raise the *Barton* issue until their reply brief, and arguments "raised for the first time in a reply brief are waived and will not be considered." *Phillips v. Mercer*, 94 Nev. 279, 283, 579 P.2d 174, 176 (1978). Appellants now contend—for the first time in their petition for rehearing—that this court should nonetheless consider *Barton* in light of *Bertsch v. Eighth Judicial District Court*, 133 Nev. 240, 244, 396 P.3d 769, 772 (2017) ("Although *Bertsch* raises th[e] issue [of *Barton*] for the first time in his reply brief, consideration of this

issue is in the interest of justice.”). Consideration of *Barton* was not in the interest of justice here, however, because the receiver was not a party to this case.

It is so ORDERED.

Pickering J.
Pickering

Parraguirre J.
Parraguirre

Cadish J.
Cadish

cc: Hon. Thomas W. Gregory, District Judge
Holland & Hart LLP/Reno
Holley, Driggs, Walch, Fine, Puzey, Stein, Thompson/Reno
Grace M. Kim
Holley, Driggs, Walch, Fine, Puzey, Stein, Thompson/Las Vegas
Douglas County Clerk