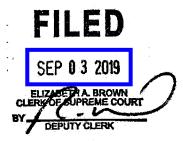
## IN THE SUPREME COURT OF THE STATE OF NEVADA

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

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



## 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

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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

Pickering

J.

Parraguirre

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