

IN THE SUPREME COURT OF THE STATE OF NEVADA

COYOTE SPRINGS INVESTMENT,
LLC; LINCOLN COUNTY WATER
DISTRICT; AND VIDLER WATER
COMPANY, INC.,

Appellants,

v.

ADAM SULLIVAN, P.E., NEVADA
STATE ENGINEER, DIVISION OF
WATER RESOURCES, DEPARTMENT
OF CONSERVATION AND NATURAL
RESOURCES,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 85137

District Court Case No.
A-20-816761-C

**STIPULATION TO STAY BRIEFING SCHEDULE AND RELATED
DEADLINES PENDING RESOLUTION OF RELATED NEVADA
SUPREME COURT CASE NOS. 84739/84741/84742/84809**

Appellants, Coyote Springs Investment, LLC, Lincoln County Water District, and Vidler Water Company, Inc. (collectively “Appellants”), and Respondent, Adam Sullivan, P.E., in his capacity as the Nevada State Engineer, Division of Water Resources, Department of Conservation and Natural Resources (hereafter “State Engineer”), by and through their respective counsel of record, hereby jointly stipulate and request that the briefing schedule and related deadlines be stayed pending this Court’s resolution of the consolidated appeals in Case Nos. 84739/84741/84741/84809 (the “PJR Appeal”).

The PJR Appeal and this fee denial appeal (the “Fee Appeal”) are related. The PJR Appeal concerns whether the district court erred in granting certain petitioners’ petitions for judicial review of the State Engineer’s Order 1309 and in declaring Order 1309 void. This Fee Appeal concerns the district court’s denial of the motions for attorney fees filed by Coyote Springs Investment, LLC, Lincoln County Water District, and Vidler Water Company, Inc. following the district court’s decision on the petitions for judicial review.

However, the opening briefs in this Fee Appeal are due prior to the briefing in the PJR Appeals. Because the motions for attorney fees that are at issue in this Fee Appeal concern, in part, the validity of Order 1309, this Court’s decision in the PJR Appeal will, in part, impact the briefing and decision in this Fee Appeal. Thus, the parties believe good cause exists to stay the briefing schedule and related deadlines pending resolution of the PJR Appeal. *See* NRAP 26(b)(2); NRAP 31(b)(2); *Landis v. North American Co.*, 299 U.S. 248, 254–255, 57 S. Ct. 163, 166, 81 L. Ed. 153 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment which must weigh competing interests and maintain an even balance.”).

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The opening briefs and appendix in this Fee Appeal are currently due December 8, 2022. The parties in this matter have not requested any prior extensions. Given that this Court's decision in the PJR Appeal will impact the briefing and decision in this Fee Appeal, the parties jointly request that this Court stay the briefing schedule and all related deadlines in this Fee Appeal until 30 days after the remittitur issues in the PJR Appeal.

DATED this 2nd day of December, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing STIPULATION TO STAY BRIEFING SCHEDULE AND RELATED DEADLINES PENDING RESOLUTION OF RELATED NEVADA SUPREME COURT CASE NOS. 84739/84741/84742/84809 in accordance with this Court's electronic filing system and consistent with NEFCR 9 on December 2, 2022.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that any of the participants in the case that are not registered as electronic users will be mailed the foregoing document by First-Class Mail, postage prepaid.

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