

Electronically Filed
Nov 30 2010 12:51 p.m.
Tracie K. Lindeman

VILLAGE LEAGUE TO SAVE INCLINE ASSETS,) Case No. 56030
INC., a Nevada non-profit corporation, on behalf of)
their members and others similarly situated;)
MARYANNE INGEMANSON, Trustee of the Larry)
D. and Maryanne B. Ingemanson Trust; DEAN R.)
INGEMANSON, individually and as Trustee of the)
Dean R. Ingemanson Trust; J. ROBERT ANDERSON;))
and LES BARTA; on behalf of themselves and others)
similarly situated,)
)
Appellants,)
vs.)
)
STATE OF NEVADA *ex rel* State Board of)
Equalization; WASHOE COUNTY; BILL)
BERRUM, Washoe County Treasurer;)
)
Respondents.)

The Washoe County Respondents filed and served their Answering Brief in this matter on November 2, 2010. The State Board of Equalization filed and served its Answering Brief on November 3, 2010. The Reply Briefs are respectively due on December 2 and December 3, 2010. Appellants, Village League To Save Incline Assets, Inc., Maryanne Ingemanson, Dean R. Ingemanson, J. Robert Anderson and Les Barta, move the Court, pursuant to NRAP Rule 27 and Rule 31(b)(3), for an extension of time to and

1 including January 5, 2011, within which to complete, file and serve both Reply Briefs. The
2 two Answering Briefs raise different arguments which must be responded to separately
3 either in separate briefs or, preferably, a single reply brief. Because of the need for
4 additional time, the holidays and the hope of a single reply brief, the length of the requested
5 extensions is, respectively, 34 days for the reply to the County's Answering Brief and 33
6 days for the reply to the State's Answering Brief.
7

8 No previous extension of time to file and serve either Reply Brief has been sought.
9 Accordingly, no such request has been granted or denied.
10

11 As more fully set forth in the Declaration of Suellen Fulstone attached, the extension
12 is necessary because counsel for Appellants is enrolled in a graduate program at the
13 University of Nevada-Reno, the fall 2010 semester does not conclude until December 15,
14 and counsel has a brief in Appeal No. 56253 due on December 22, 2010. Granting the
15 requested extension will allow counsel to prepare the briefs during the break between the
16 fall and spring semesters, will not interfere with the requirements of counsel's classes and
17 will allow counsel to meet her obligation to represent the property owners with an
18 adequately researched and written brief or briefs.
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20

21 Counsel for appellants has advised counsel for the respondents of the need for
22 additional time. County respondents have no objection. See e-mail attached. Counsel for
23 the State has not responded, but Appellants believe that they will also have no objection.
24

25 DATED this 30th day of November, 2010.

26 MORRIS PETERSON

27 By /s/ Suellen Fulstone

Suellen Fulstone
Attorneys for Appellants

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DECLARATION OF SUELLEN FULSTONE

I, Suellen Fulstone, declare under penalty of perjury, as follows:

1. I am an attorney duly licensed to practice law in the courts of the State of Nevada and of counsel with the law firm of Morris Peterson, counsel for the appellants in the matter of Village League To Save Incline Assets, Inc., et al, appellants, vs. State of Nevada, et al, respondents, Case No.56030 in the Supreme Court of the State of Nevada. I submit this declaration in support of the appellants' motion for an extension of time to file and serve the Reply Briefs.

2. The Washoe County Respondents filed and served their Answering Brief in this matter on November 2, 2010. The State Board of Equalization filed and served its Answering Brief on November 3, 2010. The Reply Briefs are respectively due on December 2 and December 3, 2010.

3. Appellants seek an extension of time to and including January 5, 2011, within which to complete, file and serve both Reply Briefs. The two Answering Briefs raise different arguments which must be responded to separately either in separate briefs or, preferably, a single reply brief. Because of the need for additional time, the holidays and the hope of a single reply brief, the length of the requested extensions is, respectively, 34 days for the reply to the County's Answering Brief and 33 days for the reply to the State's Answering Brief.

4. No previous extension of time to file and serve either Reply Brief has been sought. Accordingly, no such request has been granted or denied.

5. Although they may be called upon from time to time to sign a pleading, none of the other lawyers in Morris Peterson has worked on or has any significant familiarity

1 with the Incline Village property tax cases, including Case No. 56030 before this Court,
2
3 so I am solely responsible for the legal work in those cases, including the preparation of
4 the Reply Briefs.

5 6. I have substantially retired from the practice of law. However, because of
6
7 my long involvement with the several cases involving property taxes at Incline
8 Village/Crystal Bay, I have committed to the property owners to complete these matters.

9 7. With the goal of becoming an elementary school teacher, I am currently
10 enrolled in a graduate program at the University of Nevada-Reno. The due dates of these
11 reply briefs come at the end of the fall 2010 semester and just before finals week. I used
12 my Thanksgiving break to work on the reply briefs but was unable to complete them.


13
14 8. The fall 2010 semester does not conclude until December 15 and I also
15 have a brief in Appeal No. 56253 due on December 22, 2010.

16 9. The spring 2011 semester begins on January 17, 2011. Granting the
17 requested extension will allow me to prepare the briefs during the break between the fall
18 and spring semesters, will not interfere with the requirements of my classes and will
19 allow me to meet my obligation to represent the property owners with an adequately
20 researched and written reply brief or briefs so that the Court may be fully advised of the
21 facts and the applicable law.
22

23
24 10. This motion for additional time is made in the interests of a full and fair
25 determination of the issues and not for purposes of delay. I have advised counsel for
26 Respondents of my need for additional time. County respondents have no objection. See
27 e-mail attached. Counsel for the State has not responded, but I believe that they will have
28

1
2 no objection.

3 Dated: November 30, 2010.

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5 Suellen Fulstone, Nevada Bar No. 1615
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Elaine K. Bates

From: Suellen Fulstone
Sent: Tuesday, November 30, 2010 8:38 AM
To: Elaine K. Bates
Subject: FW: Reply Brief in Village League v. State of Nevada, et al, Appeal No. 56030

From: Creekman, David [dcreekman@da.washoecounty.us]
Sent: Tuesday, November 30, 2010 8:25 AM
To: Suellen Fulstone; Dennis L. Belcourt
Cc: Deonne E. Contine
Subject: RE: Reply Brief in Village League v. State of Nevada, et al, Appeal No. 56030

No problem from my perspective here at the Washoe County D.A.'s Office.

David.


From: Suellen Fulstone [mailto:SF@morrislawgroup.com]
Sent: Monday, November 29, 2010 5:15 PM
To: Creekman, David; Dennis L. Belcourt
Subject: Reply Brief in Village League v. State of Nevada, et al, Appeal No. 56030

David and Dennis – I worked on the reply briefs to your respective answering briefs over the Thanksgiving holiday but was not able to complete them. I am now back in school with finals next week. Do either of you have an objection to my getting additional time to complete the briefs? Since my brief in Appeal No. 56253 is now due on Dec. 22, I don't want to get myself too jammed up. I am out of school on Dec. 15. With the other brief due on the 22nd and given the holidays, which always complicate the getting things done, I would like an extension until January 5. Let me know as soon as you can if you have a problem.

Suellen

Suellen Fulstone
Morris Peterson
6100 Neil Road, Suite 555
Reno, Nevada 89511

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Facsimile: (775) 829-6001

 This e-mail is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the e-mail and notify us immediately.

website: www.morrislawgroup.com

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that this document was filed electronically with the Nevada Supreme
3 Court on the 30th day of November, 2010. Electronic Service of the foregoing document
4 shall be made in accordance with the Master Service list as follows:
5

6 Deonne Contine
7 Office of the Attorney General
8 100 N. Carson St.
9 Carson City, NV 89701

10 David Creekman
11 Washoe County District Attorney's Office
12 Civil Division
13 P.O. Box 30083
14 Reno, NV 89520

15 DATED this 30th day of November, 2010.

16 /s/ Elaine K. Bates
17 Employee of Morris Peterson
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