

Electronically Filed  
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Tracie K. Lindeman

IN THE SUPREME COURT OF THE STATE OF NEVADA

J.W. BENTLEY and MARYANN  
BENTLEY, Trustees of the Bentley Family  
1995 Trust,

Petitioners.

v.

THE NINTH JUDICIAL DISTRICT  
COURT of the State of Nevada, In and For  
the County of Douglas, and THE  
HONORABLE DAVID R. GAMBLE,  
District Court Judge,

Respondents,

AND

DONALD S. FORRESTER; KRISTINA  
M. FORRESTER; HALL RANCHES,  
LLC, a Nevada limited liability company;  
THOMAS J. SCYPHERS; KATHLEEN M.  
SCYPHERS; FRANK SCHARO;  
SHERIDAN CREEK EQUESTRIAN  
CENTER, LLC, a Nevada limited liability  
company; RONALD R. MITCHELL; and  
GINGER G. MITCHELL as Intervenors  
In the Matter of the Determination of the  
Relative Rights in and to the Waters of  
Mott Creek, Taylor Creek, Cary Creek  
(aka Carey Creek), Monument Creek, and  
Bulls Canyon, Stutler Creek (aka Stattler  
Creek), Sheridan Creek, Gansberg Spring,  
Sharpe Spring, Wheeler Creek No. 1,

Supreme Court Case No. 56351

District Court Case No. 08-CV-0363-D

1 Wheeler Creek No. 2, Miller Creek, Beers )  
2 Spring, Luther Creek, and Various }  
3 Unnamed Sources in Carson Valley, }  
4 Douglas Valley, Nevada, }

Real Parties-in-Interest }

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7 **OPPOSITION TO VERIFIED BILL OF COSTS**  
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19 BROOKE · SHAW · ZUMPFT  
20 MICHAEL L. MATUSKA, SBN 5711  
21 1590 Fourth Street, Suite 100  
22 P.O. Box 2860  
23 Minden, Nevada 89423  
24 (775) 782-7171 – Phone  
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**Attorneys for Petitioners**

THOMAS J. HALL, ESQ.  
State Bar No. 675  
305 South Arlington Avenue  
Reno NV 89509  
(775) 348-7011 – Phone  
(775) 348-7211 - Fax  
**Attorney for Real Parties-in-Interest**

25 Bryan L. Stockton, Esq.  
26 Senior Deputy Attorney General  
27 100 North Carson Street  
28 Carson City NV 89701  
**Attorney for Nevada State Engineer**

1 COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the  
2 Bentley Family 1995 Trust ("Bentley"), by and through their counsel of record,  
3 Michael L. Matuska, Brooke · Shaw · Zumpft, and hereby file this Opposition to the  
4 Verified Bill of Costs filed by the Real Parties-In-Interest.  
5

6 The provisions of the Nevada Rules of Appellate procedure pertaining to bonding  
7 and taxing costs apply to cases on appeal and not to proceedings for extraordinary writs  
8 (See NRAP 7, Bond for Costs on Appeal; NRAP 39 ("A party who wants costs taxed shall  
9 within 14 days after the entry of judgment – file an itemized and verified bill of costs with  
10 the clerk, with proof of service.")). There is no judgment in this case.  
11

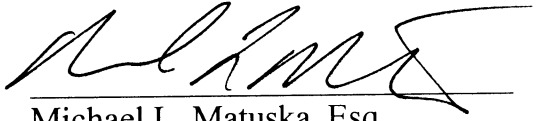
12 Moreover, the Verified Bill of Costs filed by the Real Parties-In-Interest does not  
13 even seem to relate to their efforts in this writ proceeding. Real Parties-In-Interest claim  
14 reimbursement for 1,452 copies at \$.25 per page for a total of \$363. Yet, they only filed  
15 two (2) briefs in these proceedings which total thirty-two (32) pages. It was the Petitioners  
16 that provided the extensive transcripts and appendices.  
17

18 WHEREFORE, this Court should refuse to tax costs based on the Verified Bill of  
19 Costs, or at least require a more thorough description of which copies Real Parties-In-  
20 Interest attribute to which brief.  
21

22 Respectfully submitted.

23 DATED this 7<sup>th</sup> day of April 2011.  
24

25 BROOKE · SHAW · ZUMPF

26 By:   
27 Michael L. Matuska, Esq.  
28 State Bar No. 5711

VERIFICATION

STATE OF NEVADA     )  
                                  ) ss.  
COUNTY OF DOUGLAS )

MICHAEL L. MATUSKA, being first duly sworn, deposes and says:

That he is the Attorney for Petitioners in the above-entitled action; that he has read the foregoing instrument and knows the contents thereof and that the same is true of his own knowledge except for those matters stated on information and belief, and as to those matters, he believes them to be true.

  
MICHAEL L. MATUSKA

SUBSCRIBED AND SWORN to before me,  
this 7th day of April 2011,  
by MICHAEL L. MATUSKA.

  
NOTARY PUBLIC



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of BROOKE · SHAW · ZUMPFT and that on the 7<sup>th</sup> day of April 2011, I served a true and correct copy of the preceding document entitled **OPPOSITION TO VERIFIED BILL OF COSTS** addressed to:

Hon. David R. Gamble  
Ninth Judicial District Court  
P.O. Box 218  
Minden, NV 89423

Thomas J. Hall, Esq.  
305 South Arlington Avenue  
P.O. Box 3948  
Reno NV 89505-3948

Bryan L. Stockton, Esq.  
Senior Deputy Attorney General  
100 North Carson Street  
Carson City NV 89701

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at Minden, Nevada, in the ordinary course of business.

☐ **BY FACSIMILE:** I transmitted via facsimile from the offices of Brooke · Shaw · Zumpft the above-identified document in the ordinary course of business to the individual and facsimile numbers indicated.

  
LIZ STERN, ALS