

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLUB VISTA FINANCIAL SERVICES,
L.L.C., a Nevada limited liability company,
THARALDSON MOTELS II, INC., a North
Dakota corporation; and GARY D.
THARALDSON,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT FOR THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE MARK R.
DENTON, DISTRICT JUDGE,

Respondents.

and

SCOTT FINANCIAL CORPORATION, A
North Dakota corporation; BRADLEY J.
SCOTT; BANK OF OKLAHOMA, N.A., a
national bank; GEMSTONE
DEVELOPMENT WEST, INC., a Nevada
corporation; ASPHALT PRODUCTS
CORPORATION, dba APCO
CONSTRUCTION, a Nevada Corporation

Real Parties in Interest.

Case No.: 57784

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EMERGENCY MOTION UNDER NRAP 27(e)
(Relief Needed Before July 6, 2011)

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EMERGENCY MOTION UNDER NRAP 27(e)
(Relief Needed Before July 6, 2011)

On June 6, 2011, Plaintiffs filed a motion to stay District Court proceedings in this Court. Plaintiffs did not ask for emergency relief under NRAP 27(e) at the time because relief was not needed within 14 days. Plaintiffs' motion to stay has now been opposed by the Scott Defendants and BOK. And, Plaintiffs have also filed a reply in support of their motion to stay. So, Plaintiffs' request for a stay has been fully briefed.

The instant emergency motion for relief under NRAP 27(e) simply requests a decision from this Court on Plaintiffs' motion to stay prior to the July 6, 2011 non-jury trial date. For purposes of this motion, Plaintiffs incorporate their motion to stay and the reply in support of motion to stay to satisfy the showing of relief under NRAP 27(e). Essentially, the July 6, 2011 trial date will be held as a non-jury trial while Plaintiffs' pending writ petition challenges the validity of jury trial waivers when the District Court found that Plaintiffs' claims for fraudulent inducement and fraudulent concealment presented genuine issues of material fact with regard to the very guaranties containing the jury trial waivers. Thus, a decision on Plaintiffs' motion to stay is needed prior to the July 6, 2011 trial date.

Dated this 17th day of June, 2011.

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By /s/ Terry A. Coffing, Esq.
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NRAP 27(e) CERTIFICATE

In satisfaction of NRAP 27(e)(3)(a), Plaintiffs provide the Court with the following list of all parties involved in this original proceeding along with their respective telephone numbers and office addresses:

The Honorable Mark R. Denton
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Regional Justice Center
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Las Vegas, NV 89155

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8 All parties were served either electronically by this Court's electronic filing system, by
9 electronic mail, or by fax as noted in the certificate of service. As set forth in Plaintiffs'
10 motion to stay and reply in support of motion to stay, the District Court has already
11 considered and denied Plaintiffs' request for stay relief.

12 Dated this 17th day of June, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **EMERGENCY MOTION UNDER NRAP 27(e)** was filed electronically with the Nevada Supreme Court on the 17th day of June, 2011. Electronic Service of the foregoing documents shall be made in accordance with the Master Service List as follows:

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Matthew Carter, Esq.
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Jennifer Dorsey, Esq.
Von Heinz, Esq.

I further certify that I served a copy of these documents by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Leah Dell
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