

EXHIBIT 3

EXHIBIT 3

Nevada Supreme Court Docket Sheet

Docket: 57784 CLUB VISTA FINANCIAL SERVICES VS. DIST. CT (SCOTT FINANCIAL CORP.)

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 OF 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; AND
ASPHALT PRODUCTS CORP. D/B/A APCO CONSTRUCTION, A NEVADA CORPORATION,
Real Parties in Interest.

Supreme Court No. 57784

Consolidated With:

Counsel

Terry Coffing, Las Vegas, NV, as counsel for Petitioner
David Duncan, Las Vegas, NV, as counsel for Petitioner
Mark Ferrario, Las Vegas, NV, as counsel for Petitioner
John Moshier, Phoenix, AZ, as counsel for Petitioner
Brandon Roos, Las Vegas, NV, as counsel for Petitioner
Robert Eisenberg, Reno, NV, as counsel for Petitioner
Martin Aronson, Phoenix, AZ, as counsel for Petitioner
Griffith Hayes, Las Vegas, NV, as counsel for Petitioner
K. Morrill, Phoenix, AZ, as counsel for Petitioner
Micah Echols, Las Vegas, NV, as counsel for Petitioner
Martin Muckleroy, Las Vegas, NV, as counsel for Petitioner
Tami Cowden, Las Vegas, NV, as counsel for Petitioner
Robert Rosenthal, Las Vegas, NV, as counsel for Real Party in Interest
J. Jones, Las Vegas, NV, as counsel for Real Party in Interest
Von Heinz, Las Vegas, NV, as counsel for Real Party in Interest
Matthew Carter, Las Vegas, NV, as counsel for Real Party in Interest
Mark Jones, Las Vegas, NV, as counsel for Real Party in Interest
Patrick Smith, Las Vegas, NV, as counsel for Real Party in Interest
Piper Turner, Tulsa, OK, as counsel for Real Party in Interest
John Clayman, Tulsa, OK, as counsel for Real Party in Interest
Wade Gochnour, Las Vegas, NV, as counsel for Real Party in Interest
Jennifer Dorsey, Las Vegas, NV, as counsel for Real Party in Interest
Gwen Mullins, Las Vegas, NV, as counsel for Real Party in Interest

Case Information

Panel: Panel
Disqualification: Ron Parraguirre
Case Status: Answer to Writ Petition Filed
Submitted:
Oral Argument:
Sett. Notice Issued:
Related Supreme Court Cases: 57641

Panel Members:
Type: Mandamus/Prohibition
Date Submitted:
Sett. Judge:
Sett. Status:

Category: Original Proceeding

District Court Case Information

Case Number: A579963
Case Title: CLUB VISTA FINANCIAL SERVICES VS. SCOTT FINANCIAL CORP.
Judicial District: Eighth Judicial District
Sitting Judge: Mark R. Denton
Replaced By:
Notice of Appeal Filed:

Division: **County:** Clark Co.
Judgment Appealed From Filed:

Docket Entries

Date	Docket Entries	
02-17-2011	Filed Petition for Writ of Mandamus, or Alternatively, Petition for Writ of Prohibition.	11-05220
02-17-2011	E-Payment \$250.00 from Micah S. Echols.	
02-17-2011	Justice Ron Parraguirre disqualified from participation in this matter. Disqualification Reason: (Kemp Jones & Coulthard).	
02-17-2011	Filed Appendix to Petition for Writ. Petitioners' Appendix Volume 1.	11-05221
02-17-2011	Document Part. Petitioners' Appendix Volume 1 Part 2	11-05221
02-17-2011	Document Part. Petitioners' Appendix Volume 1 Part 3	11-05221
02-17-2011	Document Part. Petitioners' Appendix Volume 1 Part 4	11-05221
02-17-2011	Document Part. Petitioners' Appendix Volume 1 Part 5	11-05221
02-17-2011	Filed Appendix to Petition for Writ. Petitioners' Appendix Volume 2.	11-05222
02-17-2011	Document Part. Petitioners' Appendix Volume 2 Part 2	11-05222
02-17-2011	Document Part. Petitioners' Appendix Volume 2 Part 3	11-05222
02-18-2011	Filed Appendix to Petition for Writ. Petitioners' Appendix Volume 3.	11-05225
02-18-2011	Document Part. Petitioners' Appendix Volume 3 Part 2	11-05225
02-18-2011	Document Part. Petitioners' Appendix Volume 3 Part 3	11-05225
02-18-2011	Document Part. Petitioners' Appendix Volume 3 Part 4	11-05225

02-18-2011	Filed Appendix to Petition for Writ. Petitioners' Appendix Volume 4.	11-05229
02-18-2011	Document Part. Petitioners' Appendix Volume 4 Part 2	11-05229
02-18-2011	Document Part. Petitioners' Appendix Volume 4 Part 3	11-05229
02-24-2011	Filed Errata to Petition for Writ of Mandamus, or Alternatively, Petition for Writ of Prohibition.	11-05710
03-02-2011	Filed Proof of Service - Notice of Filing Notice in District Court of Writ Petition Filing.	11-06325
03-10-2011	Filed Order/Answer Writ Petition. Answer due: 30 days.	11-07431
03-30-2011	Filed Scott Financial Corporation and Bradley J. Scott's Answer to Petition for Writ of Mandamus or Prohibition (regarding Jury Waiver and Bifurcation).	11-09573
03-30-2011	Document Part. Appendix Part 1	11-09573
03-30-2011	Document Part. Appendix Part 2	11-09573
03-30-2011	Document Part. Appendix Part 3	11-09573
04-08-2011	Filed Real Party in Interest Bank of Oklahoma's Answer to Petition for Writ of Mandamus or Prohibition.	11-10578
04-08-2011	Filed Real Party in Interest Bank of Oklahoma's Appendix to Answer to Petition for Writ of Mandamus.	11-10579
04-08-2011	Document Part. Real Party in Interest Bank of Oklahoma's Appendix to Answer to Petition for Writ of Mandamus	11-10579
04-15-2011	Filed Motion for Leave to File Reply in Support of Writ Petition.	11-11387
04-28-2011	Filed Order Granting Motion to File Reply. Petitioners Reply due: 20 days.	11-12504
05-17-2011	Filed Order Granting Extension Per Telephonic Request. Petitioners' reply to answer to writ petition due: May 25, 2011.	11-14529
05-25-2011	Filed Proof of Service - Certificate of Service for Petitioners' Reply Appendix.	11-15400
05-26-2011	Filed Reply in Support of Petition for Writ of Mandamus, or Alternatively, Petition for Writ of Prohibition.	11-15501
05-31-2011	Filed Petitioners' Reply Appendix. Vols. 1 through 3 (SEALED) with CD-ROM.	11-15875
05-31-2011	Document Part. Part 1	11-15875
05-31-2011	Document Part. Part 2	11-15875
06-06-2011	Filed Motion to Stay District Court Proceedings.	11-16558
06-07-2011	Filed Scott Financial Corporation And Bradley J. Scott's Notice Of Intent To File Opposition To Motion To Stay District Court Proceedings.	11-16720

06-09-2011	Filed Notice of Association of Counsel - Tami Cowden, Esq., Brandon E. Roos, Esq., and Mark E. Ferrario of the law firm of Greenberg Traurig, LLP as co-counsel - representing appellants Club Vista Financial Services, LLC, Tharaldson Motels II, Inc., and Gary D. Tharaldson.	11-17043
06-14-2011	Filed Scott Financial Corporation and Bradley J. Scott's Opposition to Motion to Stay District Court Proceedings.	11-17623
06-15-2011	Filed Response to Motion Bank of Oklahoma's Joinder to Scott Financial and Bradley Scott's Opposition to Petitioners' Motion to Stay District Court Proceedings.	11-17781
06-15-2011	Filed Amended Certificate of Service-Scott Financial and Bradley Scott's Opposition to Motion to Stay District Court Proceedings..	11-17868
06-17-2011	Filed Reply in Support of Motion to Stay District Court Proceedings.	11-18141
06-17-2011	Document Part. Exhibit 1 to Reply in Support	11-18141
06-17-2011	Document Part. Exhibits 2 and 3 to Reply in Support	11-18141
06-17-2011	Filed Emergency Motion for Stay Under NRAP 27(e).	11-18151
06-21-2011	Filed Scott Financial Corporation and Bradley J. Scott's Limited Opposition to Emergency Motion Under NRAP 27(e).	11-18393
06-21-2011	Filed Bank of Oklahoma's Joinder to Scott Financial Corporation and Bradley Scott's Limited Opposition to Emergency Motion Under NRAP 27(c).	11-18486
06-22-2011	Filed Reply in Support of Emergency Motion Under NRAP 27(e).	11-18641
06-22-2011	Document Part. Exhibits to Reply in Support of Emergency Motion Under NRAP 27(e)	11-18641
06-28-2011	Filed Order Granting Motion for Stay. We stay the bench trial scheduled to begin July 6, 2011, pending further order of this court.	11-19186
06-29-2011	Filed Emergency Motion for Expedited Disposition of Writ Proceeding Under Rule 27 (e).	11-19365

EXHIBIT 2

EXHIBIT 2

REGISTER OF ACTIONS**CASE NO. 09A579963****Club Vista Financial Services LLC, Tharaldson Motels II Inc, et al vs
Scott Financial Corp, Bradley Scott, et al**§
§
§
§
§
§Case Type: **Business Court**
Subtype: **Other Business Court**
Matters
Date Filed: **01/13/2009**
Location: **Department 13**
Conversion Case Number: **A579963**

RELATED CASE INFORMATION

Related Cases

A-10-608563-C (Consolidated)

A-10-609288-C (Consolidated)

PARTY INFORMATION

Lead Attorneys**Counter
Claimant** **Bank Of Oklahoma NA****Abran E. Vigil***Retained*

702-471-7000(W)

**Counter
Defendant** **Tharaldson, Gary D****Mark E. Ferrario, ESQ***Retained*

702-792-3773(W)

**Cross
Claimant** **APCO Construction****Gwen Rutar Mullins***Retained*

702-257-1483(W)

**Cross
Claimant** **Asphalt Products Corporation**~~**Gwen Rutar Mullins**~~~~*Retained*~~~~702-257-1483(W)~~**Cross
Defendant** **Gemstone Development West Inc****Cross
Defendant** **Scott Financial Corporation****Jon Randall Jones***Retained*

7023856000(W)

Defendant **Asphalt Products Corporation****Gwen Rutar Mullins***Retained*

702-257-1483(W)

Defendant **Bank Of Oklahoma NA****Abran E. Vigil***Retained*

702-471-7000(W)

Defendant **Gemstone Development West Inc**

Defendant **Scott Financial Corp**

Jon Randall Jones

Retained

7023856000(W)

Defendant **Scott, Bradley J**

Jon Randall Jones

Retained

7023856000(W)

Doing **APCO**
Business As

Robert L. Rosenthal

Retained

7022571483(W)

Doing **APCO**
Business As

Gwen Rutar Mullins

Retained

702-257-1483(W)

Doing **APCO Construction**
Business As

Gwen Rutar Mullins

Retained

702-257-1483(W)

Plaintiff **Club Vista Financial Services LLC**

Mark E. Ferrario, ESQ

Retained

702-792-3773(W)

Plaintiff **Tharaldson Motels II Inc**

Mark E. Ferrario, ESQ

Retained

702-792-3773(W)

Plaintiff **Tharaldson, Gary D**

Mark E. Ferrario, ESQ

Retained

702-792-3773(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

05/11/2009 **Order of Dismissal Without Prejudice** (Judicial Officer: Denton, Mark R.)

Debtors: Nevada Construction Services (Third Party Defendant)

Creditors: APCO Construction (Third Party Plaintiff), Asphalt Products Corporation (Third Party Plaintiff)

Judgment: 05/11/2009, Docketed: 05/21/2009

02/08/2011 **Summary Judgment** (Judicial Officer: Denton, Mark R.)

Debtors: Club Vista Financial Services LLC (Plaintiff), Tharaldson Motels II Inc (Plaintiff), Gary D Tharaldson (Plaintiff)

Creditors: Scott Financial Corp (Defendant), Bradley J Scott (Defendant)

Plaintiffs' Motion in Limine to Preclude Expert Testimony by David Schwickerath VACATED pursuant to the Court's Decision filed 6/08/2011.../sb

06/30/2011 **CANCELED Motion to Reconsider** (9:00 AM) (Judicial Officer Denton, Mark R.)
Vacated - per Judge

06/30/2011 **CANCELED Motion in Limine** (9:00 AM) (Judicial Officer Denton, Mark R.)
Plaintiffs' Motion For Reconsideration of Order Granting Scott Defendants Summary Judgment on Plaintiffs Twelfth Claim for Relief (Negligence) and Judgment" VACATED pursuant to the Court's Decision filed 6/08/2011.../sb
Vacated - per Judge

06/30/2011 **CANCELED Motion in Limine** (9:00 AM) (Judicial Officer Denton, Mark R.)
Plaintiffs' Motion in Limine to Exclude Scott Defendants' Telephone Call Summary at Trial VACATED pursuant to the Court's Decision filed 6/08/2011.../sb

06/30/2011 **Trial Subpoena**
Trial Subpoena

07/05/2011 **CANCELED Motion in Limine** (9:00 AM) (Judicial Officer Denton, Mark R.)
Vacated - per Judge

07/05/2011 **CANCELED Motion in Limine** (9:00 AM) (Judicial Officer Denton, Mark R.)
Plaintiffs' Motion in Limine to Preclude Admission of Gary Tharaldson's Medical and Prescription Drug Records VACATED pursuant to Court's Decision of 6/08/2011.../sb

07/05/2011 **CANCELED Motion in Limine** (9:00 AM) (Judicial Officer Denton, Mark R.)
Vacated - per Judge

07/05/2011 **Hearing** (9:00 AM) (Judicial Officer Denton, Mark R.)
Plaintiffs' Motion in Limine Excluding Live or Deposition Testimony of K. Layne Morrill and Martin A. Aronson VACATED pursuant to the Court's Decision filed 6/08/2011.../sb

07/05/2011 **Hearing** (9:00 AM) (Judicial Officer Denton, Mark R.)
Hearing: Plaintiffs' Order to Show Cause Why Plaintiffs Should Not Be Held in Contempt for Failing to Comply with Special Master's Order Compelling Discovery

07/06/2011 **CANCELED Bench Trial** (9:00 AM) (Judicial Officer Denton, Mark R.)
Vacated - per Judge

07/11/2011 **CANCELED Bench Trial** (9:00 AM) (Judicial Officer Denton, Mark R.)
Bench Trial Reset

07/11/2011 **CANCELED Motion to Reconsider** (9:00 AM) (Judicial Officer Denton, Mark R.)
Vacated - per Judge

07/11/2011 **CANCELED Motion to Reconsider** (9:00 AM) (Judicial Officer Denton, Mark R.)
Plaintiffs' Motion for Reconsideration of "Order Granting Scott Defendants on Plaintiffs' Twelfth Claim for Relief (Negligence) and Judgment" VACATED pursuant to the Court's Decision of 6/08/2011.../sb

07/12/2011 **CANCELED Bench Trial** (9:00 AM) (Judicial Officer Denton, Mark R.)
07/12/2011, 07/12/2011, 07/13/2011, 07/14/2011, 07/15/2011, 07/19/2011, 07/20/2011, 07/21/2011, 07/22/2011, 07/26/2011, 07/27/2011, 07/28/2011, 07/29/2011
Vacated - per Judge

Bench Trial Dates vacated per Supreme Court's Order for Stay.../sb/06-29-2011

07/19/2011 Reset by Court to 07/19/2011

FINANCIAL INFORMATION

Conversion Extended Connection Type No Convert Value @ 09A579963			
Total Financial Assessment			1,243.00
Total Payments and Credits			1,243.00
Balance Due as of 07/05/2011			0.00
01/13/2009	Transaction		660.00
	Assessment		
01/13/2009	Conversion Payment	Receipt # 01483570	Albright, Stoddard, Warnick & Albright (211.00)
01/13/2009	Conversion Payment	Receipt # 01483572	George M Albright (3.00)
02/03/2009	Conversion Payment	Receipt # 01487627	HOWARD & HOWARD ATTORNEYS P.C. (104.00)
03/03/2009	Conversion Payment	Receipt # 01493067	Lewis And Roca (104.00)
03/03/2009	Conversion Payment	Receipt # 01493069	KEMP JONES & COULTHARD, LLP. (134.00)
03/16/2009	Conversion Payment	Receipt # 01495471	SERVICES NEVADA CONSTRUCTION (104.00)
06/03/2009	Transaction		20.00
	Assessment		
06/03/2009	Payment (VWindow)	Receipt # 2009-26761-FAM	INTEGRITY RECORDS (20.00)
10/27/2009	Transaction		563.00
	Assessment		
10/27/2009	Payment (VWindow)	Receipt # 2009-64807-FAM	A-1 PROCESS (563.00)
Counter Claimant Bank Of Oklahoma NA			
Total Financial Assessment			1,400.00
Total Payments and Credits			1,400.00
Balance Due as of 07/05/2011			0.00
12/02/2010	Transaction		200.00
	Assessment		
12/02/2010	Wiznet	Receipt # 2010-66639-CCCLK	Bank Of Oklahoma NA (200.00)
12/11/2010	Transaction		200.00
	Assessment		
12/11/2010	Wiznet	Receipt # 2010-69412-CCCLK	Bank Of Oklahoma NA (200.00)
12/15/2010	Transaction		200.00
	Assessment		
12/15/2010	Wiznet	Receipt # 2010-70270-CCCLK	Bank Of Oklahoma NA (200.00)
12/18/2010	Transaction		200.00

EXHIBIT 1

EXHIBIT 1

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 OF 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; AND ASPHALT
PRODUCTS CORP. D/B/A APCO
CONSTRUCTION, A NEVADA
CORPORATION,
Real Parties in Interest.

No. 57784

FILED

JUN 28 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION FOR STAY

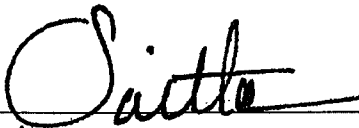
This original petition for a writ of mandamus or prohibition challenges a district court order enforcing jury trial waivers and bifurcating claims for bench and jury trials.

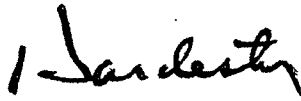
Petitioners have filed a motion to stay the district court bench trial, which is set to begin on July 6, 2011, pending this court's resolution of the writ petition. Real parties in interest Scott Financial Corporation

and Bradley J. Scott oppose the motion, and Bank of Oklahoma, N.A., has joined in the opposition.

Having considered the parties arguments and the factors set forth in NRAP 8(c), we conclude that a stay is warranted. Although we are unable to determine petitioners' likelihood of success on the writ petition at this point, NRAP 8(c)(4), the balance of potential harms weigh in favor of a stay, since the writ petition challenges the enforceability of the jury trial waivers, and thus, the manner in which the trial is to be conducted. Also, the scheduled bench trial is anticipated to be lengthy. NRAP 8(c)(1)-(3); Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 6 P.3d 982 (2000). Accordingly, we stay the bench trial scheduled to begin July 6, 2011, pending further order of this court.

It is so ORDERED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Mark R. Denton, District Judge
Cooksey, Toolen, Gage, Duffy & Woog
Greenberg Traurig, LLP/Las Vegas
Lemons, Grundy & Eisenberg
Marquis Aurbach Coffing
Morrill & Aronson, P.L.C.
Frederic Dorwart Lawyers
Howard & Howard
Kemp, Jones & Coulthard, LLP
Lewis & Roca, LLP/Las Vegas
Patrick K. Smith
Eighth District Court Clerk

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

Electronically Filed
Jul 06 2011 02:35 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**OPPOSITION TO EMERGENCY MOTION FOR EXPEDITED DISPOSITION
OF WRIT PROCEEDING UNDER NRAP 27(e)**

Marquis Aurbach Coffing
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Nevada Bar No. 9634
3930 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

Attorneys for Petitioners

1 Despite this Court's June 28, 2011 order granting motion for stay,¹ the Scott
2 Defendants now ask this Court to **completely resolve** this entire original proceeding prior
3 to July 12, 2011. The only reason given in the Scott Defendants' "emergency" motion is
4 to maintain the supposed July 12, 2011 trial date that was provided by Judge Denton, the
5 District Court Judge presiding over this matter in the District Court. However, Judge
6 Denton's indication of a July 12, 2011 trial date was admittedly provided on Monday,
7 June 27, which was **prior to** this Court's June 28 stay order. Now that the District Court
8 has received this Court's stay order, the District Court docket entry as of June 29
9 indicates that the various trial dates, including the July 12 trial date, have been vacated:
10 "Bench Trial Dates vacated per Supreme Court's Order for Stay."² Thus, the entire basis
11 for the Scott Defendants' request for emergency relief does not exist. Therefore, the
12 Court should summarily deny the motion since it asks for relief that is no longer available
13 to the Scott Defendants.

14 Aside from the lack of any emergency to justify relief prior to July 12, the Scott
15 Defendants' request for a complete resolution of this matter prior to July 12 attempts to
16 place an unnecessary burden on this Court. As of July 5, the Court has not yet assigned
17 this case to a Panel of Justices.³ And, in this Court's June 28 order granting motion for
18 stay, the Court indicated that it has not yet had an opportunity to review the merits of the
19 writ petition.⁴ Additionally, there are seven appendix volumes and four substantive briefs
20 filed with this Court. The Scott Defendants suggest that because these documents have

21 ¹ This Court's June 28, 2011 order granting motion for stay is attached as **Exhibit 1**.

22 ² The District Court docket entry vacating the July 12, 2011 trial date is attached as
23 **Exhibit 2**.

24 ³ See Supreme Court docket sheet for this case without assigned Panel Members, attached
25 as **Exhibit 3**.

26 ⁴ See **Exhibit 1**.

1 been filed with the Court for over a month, it should be an easy task for the Court to
2 quickly resolve the issues set forth in these briefs and the record. Nevertheless, the Scott
3 Defendants are well aware that this Court has one of the highest case loads of any
4 reviewing court in the United States.⁵ Given the current status of this original
5 proceeding, and the stay from this Court that is already in place, there is no need for this
6 Court to attempt to completely resolve this matter prior to July 12. Therefore, the Scott
7 Defendants' NRAP 27(e) motion should be denied.

8 Dated this 6th day of July, 2011.

9
10 MARQUIS AURBACH COFFING

11 By /s/ Terry A. Coffing, Esq.
12 TERRY A. COFFING, ESQ.
13 Nevada Bar No. 4949
14 MICAH S. ECHOLS, ESQ.
15 Nevada Bar No. 8437
16 DAVID T. DUNCAN, ESQ.
17 Nevada Bar No. 9546
18 10001 Park Run Drive
19 Las Vegas, Nevada 89145
20 *Attorneys for Petitioners*

21
22
23
24
25 ⁵ See <http://www.nevadajudiciary.us/index.php/courtofappeals> (explaining the need for a
26 Court of Appeals for Nevada due to the more than 2,000 matters that this Court must
address annually) (last accessed on July 5, 2011).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **OPPOSITION TO EMERGENCY MOTION FOR EXPEDITED DISPOSITION OF WRIT PROCEEDING UNDER NRAP 27(e)** was filed electronically with the Nevada Supreme Court on the 6th day of July, 2011. Electronic Service of the foregoing documents shall be made in accordance with the Master Service List as follows:

Robert Eisenberg, Esq.
Mark Ferrario, Esq.
Tami Cowden, Esq.
Brandon E. Roos, Esq.
Gwen Mullins, Esq.
Wade Gochmour, Esq.
Matthew Carter, Esq.
J. Randall Jones, Esq.
Jennifer Dorsey, Esq.
Von Heinz, Esq.

I further certify that I served a copy of these documents by delivering a true and correct copy thereof, according to the manner listed below, addressed to:

The Honorable Mark R. Denton
Eighth Judicial District Court, Dept. 13
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155
Respondents
Via Hand Delivery

Griffith H. Hayes, Esq.
Martin A. Muckleroy, Esq.
Cooksey, Toolen, Gage, Duffy & Woog
3930 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Attorneys for Petitioners
Via Email: ghayes@cookseylaw.com
Via Email: mmuckleroy@cookseylaw.com

1 K. Layne Morrill, Esq.
2 Martin A. Aronson, Esq.
3 John T. Moshier, Esq.
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5 One E. Camelback Road, Suite 340
6 Phoenix, AZ 85012

Attorneys for Petitioners
Via Email: LMorrill@maazlaw.com
Via Email: maronson@maazlaw.com
Via Email: jmoshier@maazlaw.com

7 Mark M. Jones, Esq.
8 Kemp, Jones & Coulthard, LLP
9 3800 Howard Hughes Parkway, Seventeenth Floor
10 Las Vegas, NV 89169

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