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3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 CLUB VISTA FINANCIAL SERVICES,  
5 L.L.C., a Nevada Limited Liability Company;  
6 THARALDON MOTELS II, INC., a North  
Dakota corporation; and GARY D.  
THARALDSON,

7 Petitioners,

8 v.

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

11 Respondents

12 and

13 SCOTT FINANCIAL CORPORATION, a  
14 North Dakota corporation; BRADLEY J.  
SCOTT; BANK OF OKLAHOMA, N.A., a  
15 national bank; GEMSTONE  
DEVELOPMENT WEST, INC., a Nevada  
16 corporation; ASPHALT PRODUCTS  
CORPORATION D/B/A APCO  
17 CONSTRUCTION, a Nevada corporation,

18 Real Parties in Interest.

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Jul 08 2011 08:40 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Case No.: 57784

District Court Case: A579963

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21 **REPLY IN SUPPORT OF**  
22 **EMERGENCY MOTION FOR EXPEDITED DISPOSITION**  
**OF WRIT PROCEEDING (Under Rule 27(e))**  
*Relief Needed Before July 12, 2011*

23  
24 J. Randall Jones  
Nevada Bar No. 1927  
25 Jennifer C. Dorsey  
Nevada Bar No. 6456  
26 KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Pkwy. 17<sup>th</sup> Floor  
27 Las Vegas, Nevada 89169

28 *Attorneys for Real Parties in Interest*  
*SCOTT FINANCIAL CORPORATION and*  
*BRADLEY J. SCOTT*

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000  
Fax (702) 385-6001

1       Petitioners' obsequiously empathetic opposition is just another maneuver in a  
2 long series of delay tactics. Although Petitioners initiated this lawsuit as a defensive  
3 measure to avoid more than \$100 million in guaranty obligations on now-defaulted  
4 loans, the district court's decisions have reformed this litigation to its true shape, with  
5 the lenders on the offensive. As a result, the Petitioners' strategy is now to pull out  
6 all stops to avoid trial of the lenders' claims. The filing of this (and one other) writ  
7 petition was the first step in that strategy, followed by a promise of bankruptcy that  
8 put the brakes on the case for weeks until Petitioners revealed they had instead hired  
9 new trial counsel and were scuttling bankruptcy plans. The Scott Real Parties in  
10 Interest certainly realize that this Court has a mountainous docket and that it will  
11 require additional effort to push this matter to the top of the pile. But *extraordinary*  
12 relief is what *Petitioners* are asking for by their petitions, so they are in no position to  
13 complain that the real parties in interest are asking for some minimal, special  
14 consideration in order to keep a trial date that Petitioners have already caused to be  
15 continued once.

16       Petitioners' claim that "the entire basis for" the Scott parties' request for  
17 emergency relief "no longer exists" because the district court has vacated the bench  
18 trial date is simply untrue. As of July 5<sup>th</sup>, Judge Denton was advising other litigants  
19 before him that he will put this case back on for July 12<sup>th</sup> if the stay is lifted, and  
20 certainly nothing prohibits the district court from taking that action. Thus, the  
21 emergency that prompted this motion still exists, relief remains available, and this  
22 Court should expedite the disposition of this writ and give the parties and the district  
23 court the opportunity to keep this July 12<sup>th</sup> trial date and complete the bench portion  
24 of the trial. Even if this Court is unable to complete this disposition by July 12<sup>th</sup>, the  
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KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000  
Fax (702) 385-6001

1 Scott parties respectfully request that it expedite the disposition of this and the other  
2 pending writ so that this matter may be promptly rescheduled for trial without further  
3 delay.

4 DATED this 7<sup>th</sup> day of July, 2011.

5 Respectfully submitted by:

6 KEMP, JONES & COULTHARD, LLP

7   
8 J. RANDALL JONES, ESQ. (1927)  
9 JENNIFER C. DORSEY, ESQ. (6456)  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
Attorneys for Scott Financial Corporation  
and Bradley J. Scott

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 7<sup>th</sup> day of July, 2011, the foregoing was served on the  
14 following person(s) by email to the email addresses below and either through the Court's  
15 efilings system or via U.S. Mail:

16 Honorable Mark R. Denton  
17 Department 13  
Eighth Judicial District Court  
18 200 Lewis Avenue  
Las Vegas, Nevada 89155  
19 (702) 671-4429

20 Martin Muckelroy, Esq.  
21 COOKSEY, TOOLLEN, GAGE, DUFFY &  
WOOG  
3930 Howard Hughes Parkway #200  
22 Las Vegas, Nevada 89169  
(702) 949-3100  
23 [mmuckleroy@cookseylaw.com](mailto:mmuckleroy@cookseylaw.com)

24 Von Heinz, Esq.  
25 Abran E. Vigil, Esq.  
Ann Marie McLoughlin, Esq.  
26 LEWIS & ROCA, LLP  
3993 Howard Hughes Parkway #600  
Las Vegas, Nevada 89169  
27 (702) 949-8200  
[vheinz@lrlaw.com](mailto:vheinz@lrlaw.com)  
28

1 Gwen Rutar Mullins, Esq.  
Wade Gouchnour, Esq.  
2 HOWARD & HOWARD  
3800 Howard Hughes Parkway #1400  
3 Las Vegas, Nevada 89169  
(702) 257-1483  
4 [grm@h2law.com](mailto:grm@h2law.com)

5 P. Kyle Smith, Esq.  
SMITH LAW OFFICE  
6 10161 Park Run Drive  
Las Vegas, Nevada 89145  
7 (702) 318-6500  
[ks@ksmithlaw.com](mailto:ks@ksmithlaw.com)


K. Layne Morrill, Esq.  
Martin A. Aronson, Esq.  
John T. Mossier, Esq.  
MORRILL & ARONSON, P.L.C.  
One East Camelback Road #340  
Phoenix, Arizona 85012  
(602) 263-8993  
[lmorrill@maazlaw.com](mailto:lmorrill@maazlaw.com)

John D. Clayman, Esq.  
Piper Turner, Esq.  
FREDERIC DORWART LAWYERS  
Old City Hall  
124 East Fourth Street  
Tulsa, Oklahoma 74103-5010  
(918) 583-9922  
[jclayman@fdlaw.com](mailto:jclayman@fdlaw.com)

10 Robert L. Eisenberg, Esq.  
LEMONS, GRUNDY & EISENBERG  
11 6005 Plumas Street #300  
12 Reno, Nevada 89519  
Attorneys for Petitioner  
(775) 786-6868  
13 [rle@lge.net](mailto:rle@lge.net)

14 Terry A. Coffing, Esq.  
MARQUIS AURBACH COFFING  
15 10001 Park Run Drive  
Las Vegas, Nevada 89145  
16 (702) 942-2136  
[tcoffing@marquisaurbach.com](mailto:tcoffing@marquisaurbach.com)

17 Mark E. Ferrario, Esq.  
Tami D. Cowden, Esq.  
GREENBERG TRAURIG, LLP  
3773 Howard Hughes Parkway  
Suite 400 North  
Las Vegas, Nevada 89109  
(702) 792-3773  
18 [ferrariom@gtlaw.com](mailto:ferrariom@gtlaw.com)  
19 [cowdent@gtlaw.com](mailto:cowdent@gtlaw.com)

20  
21  
22  
23   
24 Angela Embrey, an employee of Kemp,  
Jones & Coulthard, LLP  
25  
26  
27  
28