

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 D.R. HORTON INC., a Delaware
3 Corporation

4 Petitioner,

5 vs.

6 EIGHTH JUDICIAL DISTRICT COURT of)
7 the State of Nevada, in and for the
8 COUNTY OF CLARK; and the

9 HONORABLE SUSAN H. JOHNSON,
10 District Judge,

11 Respondent.

12 HIGH NOON AT ARLINGTON RANCH)
13 HOMEOWNERS ASSOCIATION, a)
14 Nevada non-profit corporation,)

15 Real Party in Interest.)

) Supreme Court Case No.: 58533

) District Court Case No.: A542616

) Department No.: XXII

) Electronically Filed
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) Clerk of Supreme Court

16 **LIMITED JOINDER AND REPLY TO THE HIGH NOON AT ARLINGTON RANCH**
17 **HOMEOWNERS ASSOCIATION'S JOINDER AND LIMITED OPPOSITION TO D.R.**
18 **HORTON'S EMERGENCY MOTION UNDER NRAP 27(e)**

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THE HONORABLE SUSAN JOHNSON
DEPARTMENT XXII
EIGHTH JUDICIAL DISTRICT COURT
OF CLARK COUNTY, NEVADA
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89101
(702) 671-0571
Respondent

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1 **LIMITED JOINDER AND REPLY TO THE HIGH NOON AT ARLINGTON RANCH**
2 **HOMEOWNERS ASSOCIATION'S JOINDER AND LIMITED OPPOSITION TO D.R.**
3 **HORTON'S EMERGENCY MOTION UNDER NRAP 27(e)**

4 COMES NOWS Petitioner, D.R. HORTON, INC., a Delaware Corporation, by and
5 through its attorneys of records, KOELLER, NEBEKER, CARLSON & HALUCK, LLP, and
6 hereby submits its Limited Joinder and Reply to High Noon at Arlington Ranch Homeowners
7 Association [hereinafter referred to as the "Association"] Joinder and Limited Opposition to
8 D.R. Horton's Emergency Motion Under NRAP 27(e).

9 DATED this 9th day of November, 2011.

10 Respectfully submitted,

11 KOELLER NEBEKER CARLSON
12 & HALUCK, LLP

13 BY:

Robert C. Carlson NV 11143 For:

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22 Attorney for Petitioner,

23 D.R. HORTON, INC.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. ARGUMENT

3 On October 26, 2011 the Association filed its Joinder and Limited Opposition to D.R.
4 Horton's Emergency Motion Under NRAP 27(e) regarding a stay in litigation pending the
5 outcome of D.R. Horton's Petition for Writ of Mandamus, or in the Alternative, Writ of
6 Prohibition in this Court. In its Joinder and Limited Opposition, the Association contends,
7 *inter alia*, that this matter should be stayed pending the outcome of D.R. Horton's Writ Petition
8 in this case and the Association's Writ Petition filed in this Court, Case No. 58630.

9 To begin, D.R. Horton does not necessarily oppose that this matter be stayed pending
10 the outcome of both parties' Writ Petitions currently pending with this Court. Both parties will
11 benefit from a full resolution of the Writ Petitions and an understanding of what alleged defects
12 the Association will be allowed to pursue in a representative capacity. However, should this
13 Court resolve D.R. Horton's Writ Petition in such a way which makes the Association's Writ
14 Petition moot then D.R. Horton will respectfully request that the litigation move forward at that
15 time.

16 In regards to the Association's arguments that it is likely to prevail on both Writ
17 Petitions, D.R. Horton contends that these arguments are without merit. D.R. Horton maintains
18 its position forwarded in its Emergency Motion that it will be successful on its Writ Petition for
19 all the reasons set forth in the Writ Petition itself. As to the Association's Writ Petition, D.R.
20 Horton reiterates all the arguments made in its Answering Brief to the same and reserves any
21 and all rights, arguments and objections in that regard and to the Association's Writ Petition
22 and Reply thereto.

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IV. CONCLUSION

Based on the foregoing, D.R. Horton respectfully requests that this Court grant its Emergency Motion for Stay until such time as the Writ Petitions pending in this matter are resolved and/or become moot.

DATED this 9th day of November, 2011.

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