

# EXHIBIT 1

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1 Case No. 08-CV-0363-D

FILED

2 Dept. No. I

2011 JUN 23 PM 1:35

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DOUGLAS COUNTY  
CLERK

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4 TED THIRAN  
CLERK

5 BY GREGORY DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8  
9 In the Matter of the Determination of the  
10 Relative rights in and to the Waters of Mott  
11 Creek, Taylor Creek, Cary Creek (aka Carey  
12 Creek), Monument Creek, and Bulls Canyon,  
13 Stutler Creek (aka Stattler Creek), Sheridan  
14 Creek, Gansberg Spring, Sharpe Spring,  
Wheeler Creek No. 1, Wheeler Creek No. 2,  
Miller Creek, Beers Spring, Luther Creek and  
Various Unnamed Sources in Carson Valley,  
Douglas Valley, Nevada.

SCHEDULING ORDER

15 \_\_\_\_\_  
TO COUNSEL:

16 After consideration of the Case Conference Report filed by counsel pursuant to Rule  
17 16.1 (c) of the Nevada Rules of Civil Procedure, the following scheduling order is entered  
18 pursuant to  
19 NRCP 16 (b).

20  
21 TRIAL

22 The trial is set for January 9, 2012 at 9:00 a.m. - firm setting. Trial statements are  
23 due by December 30, 2011 which is five judicial days prior to trial. Motions in Limine shall  
24 be filed not later than that date.

25  
26 DISCOVERY

27 IT IS HEREBY ORDERED that discovery in this case shall be conducted in  
28

1 compliance with the following schedule. No extensions or modifications shall be permitted  
2 except by order of the Court.

3 1. Any and all additional discovery contemplated under NRCP 26 (a) and (b) shall be  
4 completed by **November 10, 2011.**

5  
6 2. Pursuant to NRCP 16.1(a)(2), the parties shall disclose to other parties the identity of  
7 any person who may be used as an expert witness. The expert witness must prepare and sign a  
8 written report that complies with the rule. This disclosure shall be completed no later than  
9 **August 12, 2011.** If the expert witness is solely a rebuttal witness, the disclosure must be  
10 made no later than thirty (30) days after the disclosure of the expert witness for the other party.  
11 All parties have a continuing duty to supplement these disclosures. NRCP 26(e).

12  
13 3. The parties may commence discovery at any time after the filing of a joint case  
14 conference report, or no sooner than ten (10) days after a separate case conference report, or as  
15 otherwise authorized by the Court. This discovery may include depositions, service of  
16 interrogatories, requests for admissions, and requests for production of documents, within the  
17 discovery period, or as otherwise authorized by the Court. NRCP 26(a) and (b).

18  
19 4. Each party shall promptly supplement their list of expert witnesses as required by  
20 NRCP 26(e)(1).

21 5. Each party shall promptly supplement any and all responses made to a discovery  
22 request as required by NRCP 26(e).

23  
24 6. Counsel is expected to share information informally to the extent feasible, and  
25 conduct discovery in a spirit of good faith, cooperation, and efficiency. If there is a discovery  
26 dispute the parties shall first attempt to resolve the matter. Thereafter the party requesting  
27 discovery may schedule a conference with the Court, by telephone or otherwise.

28

1 7. All documents exchanged by the parties where no objections were made as to  
2 authenticity or genuineness of the document are hereby deemed authentic and genuine. All  
3 witnesses, documents and exhibits to be presented at trial, must be disclosed at least thirty (30)  
4 days before trial. Objections must be made within fourteen (14) days thereafter or they are  
5 hereby deemed waived unless excused for good cause shown. NRCP 16.1 (c)(4) and  
6 16.1(a)(3).  
7

8 8. For good cause the Court may permit the withdrawal of a waiver and the assertion of  
9 any objection.  
10

#### 11 MOTIONS

12 Counsel shall have until August 12, 2011 to file, if necessary, motions to join other  
13 parties and/or to amend pleadings in the case.

14 Dispositive motions, such as a motion for summary judgment, must be filed not later  
15 than December 12, 2011, which is thirty (30) days after the discovery cut off date.

16 Any stipulated changes to these time periods must be submitted to the Court with a  
17 proposed Order of confirmation.  
18

19 DATED this 23 day of June 2011.

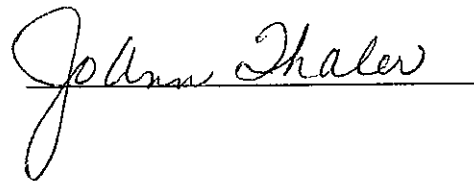
20  
21   
22 DAVID R. GAMBLE  
23 DISTRICT JUDGE  
24  
25  
26  
27  
28

1 Copies served by mail this 23 day of June 2011 to:

2 Bryan L. Stockton, Esq.  
3 Deputy Attorney General  
4 Office of the Attorney General  
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6 Carson City, NV 89701

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8 P. O. Box 2860  
9 Minden, NV 89423

10 Thomas J. Hall, Esq.  
11 P. O. Box 3948  
12 Reno, NV 89505



1  
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
3

4 In the Matter of the Determination  
5 Of the Relative Rights in and to  
6 The Waters of Mott Creek, Taylor  
7 Creek, Cary Creek (aka Carey  
8 Creek), Monument Creek, and Bulls  
9 Canyon, Stutler Creek (aka Stattler  
10 Creek), Sheridan Creek, Gansberg  
11 Spring, Sharpe Spring, Wheeler  
12 Creek No. 1 Wheeler Creek No. 2,  
13 Miller Creek, Beers Spring, Luther  
14 Creek and Various Unnamed Sources  
15 in Carson Valley, Douglas Valley,  
16 Nevada.

17  
18 J.W. Bentley and Maryann Bentley,  
19 Trustees of the Bentley Family  
20 1995 Trust,

21 Appellants,

22 vs.

23 The State of Nevada Office of the  
24 State Engineer; Hall Ranches, LLC,  
25 Thomas J. Scyphers; Kathleen M.  
26 Scyphers; Frank Scharo; Sheridan  
27 Creek Equestrian Center, LLC;  
28 Donald S. Forrester; Kristina M.  
Forrester; Ronald R. Mitchell;  
and Ginger G. Mitchell,

Respondents.

29  
30 **REPLY IN SUPPORT OF MOTION TO DISMISS**

31 COME NOW, Real Parties in Interest DONALD S. FORRESTER and  
32 KRISTINA M. FORRESTER, HALL RANCHES, LLC, a Nevada Limited  
33 Liability Company, THOMAS J. SCYPHERS and KATHLEEN M. SCYPHERS,

Electronically Filed  
Oct 13 2011 12:37 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Supreme Court No. 59189  
District Case No. CV0363

1 FRANK SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada  
2 Limited Liability Company, and RONALD R. MITCHELL and GINGER G.  
3 MITCHELL ("Real Parties"), by and through their counsel, THOMAS  
4 J. HALL, ESQ., and pursuant to Rule 27 of the Nevada Rules of  
5 Appellate Procedure, hereby file their Reply in Support of  
6 Motion to Dismiss.  
7

8 The trial in the underlying case has a firm setting for  
9 January 9, 11, 12, 13, 19 and 20, 2012. See Scheduling Order,  
10 filed July 23, 2011, attached hereto and incorporated herein by  
11 this reference as Exhibit 1. The desire of the Appellants to  
12 obtain a final decision on the merits of the case, including all  
13 aspects, can and will be heard by the Court at the January, 2012  
14 trial. An appeal from the final decision of the District Court  
15 will then be reviewable by the Supreme Court, pursuant to NRAP  
16 3A(b)(1) and (3).  
17

18 An interlocutory is moot given the imminent trial in  
19 January 2012. The Appellants, by pursuing the appeal, have only  
20 delayed the proper and full consideration of the case on its  
21 merits at the District Court. The mootness doctrine precludes  
22 such piecemeal litigation. No other case is cited by Appellants  
23 regarding an exception to the mootness doctrine are applicable,  
24 inasmuch as trial on the merits will occur before this appeal  
25 can ever be heard.  
26

27 \\\

1 Pursuant to NRS 239B.030, the undersigned affirms that the  
2 preceding document does not contain the social security number  
3 of any person.

4 Respectfully submitted this 13<sup>th</sup> day of October, 2011.  
5

6 LAW OFFICES OF THOMAS J. HALL  
7

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9

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11 Nevada State Bar No. 675  
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27 Sharon/ShCr/SupportMtnDismiss.reply  
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Judge David R. Gamble Ninth Judicial District Court Post Office Box 218 Minden, Nevada 89423	Thomas J. Scyphers Kathleen M. Scyphers 1304 S. Aylesbury Court Gardnerville, Nevada 89460
Michael L. Matuska, Esq. Brooke, Shaw, Zumpft Post Office Box 2860 Minden, Nevada 89423	Donald S. Forrester Kristina M. Forrester 913 Sheridan Lane Gardnerville, Nevada 89460
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State of Nevada Department of Conservation and Natural Resources Division of Water Resources 901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701	Frank Scharo Post Office Box 1225 Minden, Nevada 89423
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Sheridan Equestrian Center, LLC Glenn A. Roberson, Jr. 281 Tiger Wood Court Gardnerville, Nevada 89460	

Sharon M. Knudson

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William E. Nork, Esq.  
825 W. 12<sup>th</sup> Street  
Reno, Nevada 89503.

Dated this 13th day of October, 2011.

Emily A. Heavrin

**LIST OF EXHIBITS**

1.  
Scheduling Order, filed July 23, 2011.