

EXHIBIT C

EXHIBIT C

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEJA VU SHOWGIRLS OF LAS VEGAS, LLC, A NEVADA LIMITED LIABILITY COMPANY D/B/A DEJA VU SHOWGIRLS; LITTLE DARLINGS OF LAS VEGAS D/B/A LITTLE DARLINGS; K-KEL, INC. D/B/A SPEARMINT RHINO GENTLEMEN'S CLUB; OLYMPUS GARDEN, INC. D/B/A OLYMPUS GARDEN; SHAC, LLC D/B/A SAPPHIRE; THE POWER COMPANY, INC. D/B/A CRAZY HORSE TOO GENTLEMEN'S CLUB; D. WESTWOOD, INC. D/B/A TREASURES; AND D.I. FOOD & BEVERAGE OF LAS VEGAS, LLC D/B/A SCORES,

Appellants,

vs.

NEVADA DEPARTMENT OF TAXATION; NEVADA TAX COMMISSION; AND THE STATE OF NEVADA BOARD OF EXAMINERS,

Respondents.

No. 60037

FILED

SEP 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Shuy
DEPUTY CLERK

ORDER REINSTATING BRIEFING

Pursuant to NRAP 16, the settlement judge has filed a report with this court indicating that the parties were unable to agree to a settlement. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs. See NRAP 16.

Appellants shall have ten days from the date of this order to file and serve a transcript request form. See NRAP 9(a).¹ Further,

¹If no transcript is to be requested, appellants shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

appellants shall have 70 days from the date of this order to file and serve the opening brief and appendix.² Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.³

Cherry, C.J.

cc: Paul H. Schofield, Settlement Judge
Shafer and Associates
Greenberg Traurig, LLP/Las Vegas
Law Offices of William H. Brown
Attorney General/Las Vegas
Attorney General/Carson City

²In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.

³ Upon completion of briefing, this appeal may be consolidated for purposes of disposition with the related appeal in Docket No. 59752. If the parties believe these matters should be consolidated for all appellate purposes, they may file an appropriate stipulation or motion. See NRAP 3(b).

EXHIBIT B

EXHIBIT B

Nevada Supreme Court Docket Sheet

Docket: 60037 DEJA VU SHOWGIRLS OF LV, LLC VS. NEV. DEP'T OF TAXATION

DEJA VU SHOWGIRLS OF LAS VEGAS, LLC, A NEVADA LIMITED LIABILITY COMPANY D/B/A DEJA VU SHOWGIRLS; LITTLE DARLINGS OF LAS VEGAS D/B/A LITTLE DARLINGS; K-KEL, INC. D/B/A SPEARMINT RHINO GENTLEMEN'S CLUB; OLYMPUS GARDEN, INC. D/B/A OLYMPUS GARDEN; SHAC, LLC D/B/A SAPPHIRE; THE POWER COMPANY, INC. D/B/A CRAZY HORSE TOO GENTLEMEN'S CLUB; D. WESTWOOD, INC. D/B/A TREASURES; AND D.I. FOOD & BEVERAGE OF LAS VEGAS, LLC D/B/A SCORES,
Appellants,
vs.
NEVADA DEPARTMENT OF TAXATION; NEVADA TAX COMMISSION; AND THE STATE OF NEVADA BOARD OF EXAMINERS,
Respondents.

Supreme Court No. 60037

Consolidated With:

Counsel

William Brown, Las Vegas, NV, as counsel for Appellant
Mark Ferrario, Las Vegas, NV, as counsel for Appellant
Brandon Roos, Las Vegas, NV, as counsel for Appellant
Bradley Shafer, Lansing, MI, as counsel for Appellant
David Pope, Las Vegas, NV, as counsel for Respondent
Catherine Cortez Masto, Carson City, NV, as counsel for Respondent
Blake Doerr, Las Vegas, NV, as counsel for Respondent

Case Information

Panel: Panel

Disqualification:

Case Status: Briefing Reinstated

Submitted:

Oral Argument:

Sett. Notice Issued: 01/19/2012

Related Supreme Court Cases: 59752

Category: Civil Appeal

Sett. Judge: Paul H. Schofield

Panel Members:

Type: Other

Date Submitted:

Sett. Status: Completed

District Court Case Information

Case Number: A533273

Case Title: LITTLE DARLINGS OF LAS VEGAS VS. NEVADA DEPT OF TAXATION

Judicial District: Eighth Judicial District **Division:** **County:** Clark Co.

Sitting Judge: Elizabeth Goff Gonzalez

Replaced By:

Notice of Appeal Filed: 01/09/2012

Judgment Appealed From Filed: 12/16/2011

Docket Entries

Date	Docket Entries	
01-12-2012	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.).	12-01250
01-12-2012	Filing fee due for Appeal. Filing fee will be forwarded by the District Court.	
01-12-2012	Issued Notice to File Case Appeal Statement/Civil. Due date: 10 days.	12-01252
01-12-2012	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed.	12-01254
01-17-2012	Filing Fee Paid. \$250.00 from Law Offices of William H. Brown. Check no. 1479.	
01-19-2012	Issued Notice: Assignment to Settlement Program - Settlement Judge: Paul H. Schofield.	12-01919
02-01-2012	Filed Docketing Statement Civil Appeals.	12-03475
02-01-2012	Document Part. Exhibit A	12-03475
02-01-2012	Document Part. eXHIBIT b	12-03475
02-01-2012	Document Part. Exhibit C	12-03475
02-01-2012	Filed Certification of Joint Docketing Statement.	12-03476
02-01-2012	Issued Notice to Provide Proof of Service of Docketing Statement. Due date: 10 days.	12-03478
02-01-2012	Issued Notice to Provide Proof of Service on Settlement Judge of Docketing Statement.	12-03480
02-01-2012	Filed Certificate of Mailing (Docketing Statement).	12-03544
02-02-2012	Filed ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference will be scheduled.	12-03653
02-06-2012	Filed Notice to Appear for Mandatory Settlement Conference. April 17, 2012, at 10:00 a.m. Nos. 59752/60037.	12-03962
02-22-2012	Filed Order. To date, appellants have failed to comply with this court's notice. Case appeal statement due: 10 days.	12-05563
02-23-2012	Filed Case Appeal Statement.	12-05759
02-23-2012	Filed Certificate of Service of Docketing Statement Civil Appeals on Settlement Judge.	12-05782

03-01-2012	Filed Proof of Service Certificate of Service of Settlement Statement.	12-06617
04-02-2012	Filed Amended Notice to Appear for Mandatory Settlement Conference. April 18, 2012 at 1:00 p.m. Nos. 59752/60037.	12-10378
04-20-2012	Filed Final Report/No Settlement. The parties were unable to agree to a settlement of this matter. Nos. 59752/60037.	12-12747
09-05-2012	Filed Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant(s): 15 days transcript request; 90 days opening brief and appendix. Fn3 [Upon completion of briefing, this appeal may be consolidated for purposes of disposition with the related appeal in Docket No. 59752. If the parties believe these matters should be consolidated for all appellate purposes, they may file an appropriate stipulation or motion.].	12-27997
09-26-2012	Issued Notice to Request Transcripts. Due date: 10 days.	12-30382
10-05-2012	Filed Request for Transcript of Proceedings. Transcripts requested: July 31, 2008; November 13, 2008; December 11, 2008; January 15, 2009; February 12, 2009; April 2, 2009; April 16, 2009; June 17, 2009; November 13, 2009; June 30, 2010; August 12, 2010; August 24, 2010; December 9, 2010; December 28, 2010; January 13, 2011; February 10, 2011; March 15, 2011; June 24, 2011; August 16, 2011; August 23, 2011; November 8, 2011; November 10, 2011; November 18, 2011; December 16, 2011; June 8, 2012 and June 25, 2012. To Court Reporter: Yvette Sison; Kristy Clark and Capitol Reporters.	12-31470
10-09-2012	Filed Notice from Court Reporter. Michel Loomis stating that the requested transcripts were delivered. Dates of transcripts: 06/25/12.	12-31975
10-31-2012	Filed Notice from Court Reporter. Kristy Clark stating that the requested transcripts were delivered. Dates of transcripts: December 9, 2011 and June 8, 2012.	12-34452
11-07-2012	Filed Notice from Court Reporter. Yvette Sison stating that the requested transcripts were delivered. Dates of transcripts: 07/31/08, 11/13/08, 12/09/10, 12/28/10 & 01/13/12.	12-35185
11-07-2012	Filed Request for Extension of Time to File Opening Brief and Appendix.	12-35213

EXHIBIT A

EXHIBIT A

Matt Hoffer

From: efilings@nvcourts.nv.gov
Sent: Wednesday, September 05, 2012 2:56 PM
To: Matt Hoffer
Subject: Notification of Electronic Filing in DEJA VU SHOWGIRLS OF LV, LLC VS. NEV. DEP'T OF TAXATION, No. 60037

Supreme Court of Nevada

NOTICE OF ELECTRONIC FILING

Notice is given of the following activity:

Date and Time of Notice: Sep 05 2012 11:55 a.m.

Case Title: DEJA VU SHOWGIRLS OF LV, LLC VS. NEV. DEP'T OF TAXATION
Docket Number: 60037
Case Category: Civil Appeal

Document Category: Filed Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant(s): 15 days transcript request; 90 days opening brief and appendix. Fn3 [Upon completion of briefing, this appeal may be consolidated for purposes of disposition with the related appeal in Docket No. 59752. If the parties believe these matters should be consolidated for all appellate purposes, they may file an appropriate stipulation or motion.]

Submitted by: Issued by Court
Official File Stamp: Sep 05 2012 11:34 a.m.
Filing Status: Accepted and Filed

Docket Text: Filed Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant(s): 15 days transcript request; 90 days opening brief and appendix. Fn3 [Upon completion of briefing, this appeal may be consolidated for purposes of disposition with the related appeal in Docket No. 59752. If the parties believe these matters should be consolidated for all appellate purposes, they may file an appropriate stipulation or motion.]

The Clerk's Office has filed this document. It is now available on the Nevada Supreme Court's E-Filing website. Click [here](#) to log in to Eflex and view the document.

Electronic service of this document is complete at the time of transmission of this notice. The time to

respond to the document, if required, is computed from the date and time of this notice. Refer to NEFR 9(f) for further details.

Clerk's Office has electronically mailed notice to:

Blake Doerr
William Brown
Mark Ferrario
Bradley Shafer
Catherine Cortez Masto

No notice was electronically mailed to those listed below; counsel filing the document must serve a copy of the document on the following:

David Pope
Brandon Roos
Paul Schofield

This notice was automatically generated by the electronic filing system. If you have any questions, contact the Nevada Supreme Court Clerk's Office at 775-684-1600 or 702-486-9300.

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

3 DEJA VU SHOWGIRLS OF LAS VEGAS,
4 L.L.C., d/b/a *Deja Vu Showgirls*, LITTLE
5 DARLINGS OF LAS VEGAS, L.L.C., d/b/a
6 *Little Darlings*, K-KEL, INC., d/b/a *Spearmint*
7 *Rhino Gentlemen's Club*, OLYMPUS
8 GARDEN, INC., d/b/a *Olympic Garden*,
9 SHAC, L.L.C. d/b/a *Sapphire*, THE POWER
10 COMPANY, INC., d/b/a *Crazy Horse Too*
11 *Gentlemen's Club*, D. WESTWOOD, INC.,
12 d/b/a *Treasures*, and D.I. FOOD &
13 BEVERAGE OF LAS VEGAS, LLC, d/b/a
14 *Scores*,

11 Appellants,

12 vs.

13 NEVADA DEPARTMENT OF TAXATION,
14 NEVADA TAX COMMISSION, NEVADA
15 STATE BOARD OF EXAMINERS, and
16 MICHELLE JACOBS, in her Official Capacity
17 Only,

17 Respondents.

Electronically Filed
Dec 04 2012 04:46 p.m.
Supreme Court Case No. 60037
Tracie K. Lindeman
Clerk of Supreme Court
District Court Case No. A533273

18
19 **MOTION TO FILE OPENING BRIEF AND APPENDIX PRIOR TO COURT'S**

20 **RULING ON APPELLANTS' MOTION TO EXTEND DEADLINE FOR FILING**

21
22 NOW COME Appellants DEJA VU SHOWGIRLS OF LAS VEGAS, L.L.C., LITTLE
23 DARLINGS OF LAS VEGAS, L.L.C., K-KEL, INC., OLYMPUS GARDEN, INC., d/b/a
24 *Olympic Garden*, SHAC, L.L.C., THE POWER COMPANY, INC., D. WESTWOOD, INC.,
25 and D.I. FOOD & BEVERAGE OF LAS VEGAS, LLC, by and through Counsel, and pursuant
26 to Nev. R. App. P. 27 hereby move the Court for entry of an order allowing Appellants'
27 Opening Brief and Appendix to be filed prior to the deadline requested in Appellants' Motion
28

1 Requesting Extension of Time to File Opening Brief and Appendix, and prior to the Court's
2 ruling on that Motion.

3 In support, Appellants state:

4 1. Appellants filed their notice of appeal on January 9, 2012.

5 2. On January 12, 2012, the Court entered a Notice of Referral to Settlement
6 Program and Suspension of Rules, which stayed the time for filing transcripts until further
7 notice.
8

9 3. A settlement conference was held on or about April 18, 2012.

10 4. The matter did not settle, and the Settlement Judge filed a final report on April
11 20, 2012.

12 5. On September 5, 2012, Appellants received Notice of Electronic Filing of
13 Order, which reads in part: "Filed Order: ... 90 days opening brief and appendix." Ex. A.

14 6. The Docket Sheet provides the same deadline, i.e., 90 days. *See* Ex. B.

15 7. This would make the opening brief and appendix due on December 4, 2012.

16 8. However, the Order Reinstating Briefing entered September 5, 2012, provides
17 "[A]ppellants shall have 70 days from the date of this order to file and serve the opening brief
18 and appendix." Ex. C.
19

20 9. This would make the opening brief and appendix due November 14, 2012.

21 10. Prior to that, on November 7, 2012, Appellants filed a Motion Requesting
22 Extension of Time to File Opening Brief and Appendix, which sought an extension until
23 January 4, 2012.
24

25 11. On December 3, 2012, Respondents filed a Notice of Non-Opposition to
26 Appellant's Motion Requesting Extension of Time.
27
28

CERTIFICATE OF SERVICE

1
2 I hereby certify that on the 4th day of December, 2012, the foregoing **MOTION TO**
3 **FILE OPENING BRIEF AND APPENDIX PRIOR TO COURT’S RULING ON**
4 **APPELLANTS’ MOTION TO EXTEND DEADLINE FOR FILING**_was served on the
5 party(ies) by faxing a copy and mailing of same in the United States mail, postage prepaid
6 thereon, addressed as follows:
7

8 Catherine Cortez Masto
9 Attorney General
10 David J. Pope
11 Sr. Deputy Attorney General
12 Blake A. Doerr
13 Deputy Attorney General
14 555 E. Washington Ave., Suite 3900
15 Las Vegas, NV 89101
16 Facsimile: (702) 486-3420
17 *Attorneys for the Defendant-Appellees*
18
19
20
21
22
23
24
25
26
27
28

/S/ ARLEEN VIANO
An employee of LAW OFFICES OF WILLIAM
H. BROWN, ESQ., LTD