

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

2 BRYAN FERGASON,

3 Appellant,

4 vs.

5 LAS VEGAS METROPOLITAN
6 POLICE DEPARTMENT,

7 Respondent.

Electronically Filed
Sep 02 2014 08:28 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Case No.: 62357

Appeal from The Eighth Judicial
District Court, The Honorable Douglas
E. Smith Presiding8
9
10 **STIPULATION TO STAY BRIEFING SCHEDULE PENDING**
11 **RESOLUTION OF LVMPD'S DISTRICT COURT MOTION TO**
12 **SETTLE THE RECORD PURSUANT TO NRAP 10(c)**13 **MARQUIS AURBACH COFFING**

Micah S. Echols, Esq.

Nevada Bar No. 8437

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

mechols@maclaw.com

13 **CLARK COUNTY DISTRICT**
14 **ATTORNEY**

Steven B. Wolfson

Clark County District Attorney

Nevada Bar No. 1565

Thomas J. Moreo

Chief Deputy District Attorney

Nevada Bar No. 2415

200 Lewis Avenue

Las Vegas, NV 89155

Telephone: (702) 671-2501

Facsimile: (702) 455-2294

thomas.moreo@clarkcountyda.com

19 *Attorneys for Respondent, LVMPD*
20
21
22
23

**STIPULATION TO STAY BRIEFING SCHEDULE PENDING
RESOLUTION OF LVMPD'S DISTRICT COURT MOTION TO
SETTLE THE RECORD PURSUANT TO NRAP 10(c)**

Respondent, Las Vegas Metropolitan Police Department ("LVMPD"), by and through their attorneys of record, Marquis Aurbach Coffing and the Clark County District Attorney's Office, and Appellant, Bryan Ferguson ("Ferguson"), by and through his counsel of record, Sylvester & Polednak, hereby agree and stipulate as follows:

1. On August 25, 2014 this Court entered its Order Denying Motion to Take Judicial Notice and Striking Respondent's Appendix. In its order, this Court noted that the appendix documents had not been filed in the District Court and could not be considered pursuant to NRAP 10(a);

2. During the District Court hearing on LVMPD's motion for summary judgment, the District Court Judge stated that he would look at the related criminal cases before rendering a decision on LVMPD's motion for summary judgment;¹

3. According to NRAP 10(c), LVMPD will be filing a motion to clarify the record in the underlying District Court case to determine which documents the District Court Judge considered in granting summary judgment;

4. If the District Court Judge identifies any specific documents from the criminal case that were relied upon in granting summary judgment, LVMPD will seek to reinstate any relevant portions of the stricken Respondent's Appendix;

¹ Appellant's Appendix 1:134.

1 5. If, however, the District Court Judge does not identify any such
2 documents, LVMPD will provide the Court with an amended answering brief
3 removing all references to the stricken Respondent's Appendix;

4 6. The parties agree to stay the briefing schedule in the instant appeal
5 pending the resolution of LVMPD's Motion to Settle the Record Pursuant to
6 NRAP 10(c) in the District Court.

7 7. The parties further agree that LVMPD shall have 30 days from the
8 notice of entry of the District Court NRAP 10(c) order to file a motion for
9 reinstatement of the relevant portions of the record, if any are so identified by
10 the District Court, or to file an amended answering brief. Ferguson shall have
11 30 days from service of the following: (1) this Court's order resolving a motion
12 for reinstatement; or (2) LVMPD's amended answering brief to file his reply
13 brief.

14 IT IS SO STIPULATED this 29th day of August, 2014.

15 MARQUIS AURBACH COFFING

SYLVESTER & POLEDNAK

16
17 By /s/ Micah S. Echols
Micah S. Echols, Esq.
18 Nevada Bar No. 8437
10001 Park Run Drive
19 Las Vegas, Nevada 89145
Attorneys for Respondent, LVMPD
20

By /s/ Ryan Daniels
Ryan Daniels, Esq.
21 Nevada Bar No. 13094
1731 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Plaintiff,
Bryan Ferguson

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **STIPULATION TO STAY BRIEFING SCHEDULE PENDING RESOLUTION OF LVMPD'S DISTRICT COURT MOTION TO SETTLE THE RECORD PURSUANT TO NRAP 10(c)** was filed electronically with the Nevada Supreme Court on the 29th day of August, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Ryan Daniels, Esq.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Thomas J. Moreo
Chief Deputy District Attorney
Clark County District Attorney
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155
Co-counsel for Respondent, LVMPD

/s/ Leah Dell

Leah Dell, an employee of
Marquis Aurbach Coffing