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IN THE SUPREME COURT OF THE STATE OF NEVADA

In the Matter of the Determination
of the Relative Rights in and to
the Waters of Mott Creek, Taylor
Creek, Cary Creek (aka Carey
Creek), Monument Creek, and Bulls
Canyon, Stutler Creek (aka Stattler
Creek), Sheridan 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 County,
Nevada.

J.W. Bentley; Maryann Bentley,
Trustees of the Bentley Family
1995 Trust,

Appellants,

vs.

The State of Nevada, Office of the
State Engineer; Thomas J. Scyphers;
Kathleen M. Scyphers; Frank Scharo;
Sheridan Creek Equestrian Center, LLC,
a Nevada Limited Liability Company;
Donald S. Forrester; Kristina M.
Forrester; Hall Ranches, LLC; Ronald
R. Mitchell; and Ginger G. Mitchell,

Respondents.

RESPONSE TO THE MOTION FOR DETERMINATION OF FINAL ORDER

Comes now Respondents Thomas J. Scyphers, Kathleen M.
Scyphers, Frank Scharo, Sheridan Creek Equestrian Center, a
Nevada Limited Liability Company, Donald S. Forrester, Kristina
M. Forrester, Hall Ranches, LLC, a Nevada Limited Liability

Electronically Filed
Feb 25 2013 02:59 p.m.
Supreme Court No. 08-02500
Tracie K. Lindeman
District Court
Clerk of Supreme Court
Case No. 08-CV-0363-D

1 Company, Ronald R. Mitchell and Ginger G. Mitchell, in Response
2 to the Motion for Determination of Final Order, reply as
3 follows:
4

5 On January 4, 2013, the Honorable Judge David R. Gamble,
6 entered an Order Awarding Attorney's Fees and Costs (the
7 "Order"), to the Intervenor. See Exhibit 1 to Motion. The Order
8 was made specifically pursuant to NRCP 54(d)(2)(B), which
9 provides as follows:

10 Unless a statute provides otherwise, the motion [for
11 attorney's fees] must be filed no later than 20 days
12 after entry of judgment is served.

13 The Motion for Attorney's Fees was timely filed after a
14 Judgment was entered and served in the proceedings.

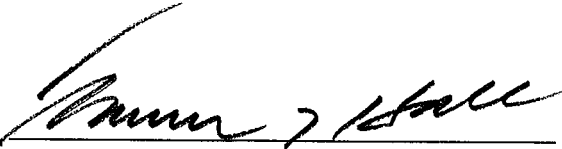
15 On February 15, 2013, in Case No. 60891, this Court entered
16 its Order to Dismiss the Appeal, essentially holding that the
17 designated Order and Judgment is not a final Judgment, or that
18 the Order or Judgment was not properly certified pursuant to
19 NRCP 54(b).

20 It logically follows that the instant order awarding
21 attorney's fees is in the nature of an interlocutory order and
22 not final. It also logically follows that the Intervenor will
23 be entitled to a Supplemental Order Awarding Attorney's Fees and
24 Costs once the entire proceedings are finalized and affirmed.
25

26 The recording of the Order was authorized by NRS
27 247.120(1)(o).
28

1 Respectfully submitted this 25th day of February, 2013.
2
3

4 LAW OFFICES OF THOMAS J. HALL
5

6 

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1
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3 **CERTIFICATE OF SERVICE**

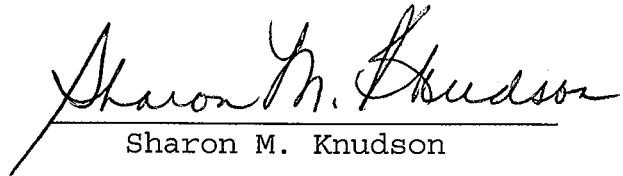
4 I certify that I am an employee of Thomas J. Hall, Esq.,
5 and that on this date, pursuant to NRAP 25(d), I deposited in
6 the U.S. mail, postage pre-paid, at Reno, Nevada, a true and
7 correct copy of the foregoing document addressed to:

8 Michael L. Matuska, Esq.
9 Matuska Law Offices, Ltd.
10 937 Mica Dr., Suite 16A
11 Carson City, NV 89705

12 Bryan L. Stockton, Esq.
13 Deputy Attorney General
14 100 N. Carson St.
15 Carson City, NV 89701

16 Jessica C. Prunty, Esq.
17 Dyer, Lawrence, Penrose,
18 Flaherty, Donaldson & Prunty
19 2805 Mountain St.
20 Carson City, NV 89703

21 Dated this 25th day of February, 2013.

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Sharon M. Knudson