

EXHIBIT A

EXHIBIT A

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

2 *****

3 NOLA HARBER, as Distribution Trustee
4 of the ERIC L. NELSON NEVADA
5 TRUST dated May 30, 2001

6 Petitioners,

7 vs.

8 EIGHTH JUDICIAL DISTRICT COURT
9 OF THE STATE OF NEVADA, CLARK
10 COUNTY, and THE HONORABLE
11 FRANK P. SULLIVAN, DISTRICT
12 JUDGE

CASE NO. 63432

13 Respondents,

14 and

15 ERIC L. NELSON and LYNITA S.
16 NELSON, individually, and LSN
17 NEVADA TRUST dated May 30, 2001,
18 LARRY BERTSCH,

 Real Parties in Interest.

19 **REPLY TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP**
20 **27(e) FOR STAY TO ISSUE BY 2:00 P.M. ON JUNE 21, 2013, PENDING**
21 **RESOLUTION OF WRIT PROCEEDINGS**

22 **AND**

23 **REPLY TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP**
24 **27(e) FOR STAY TO ISSUE BY 5:00 P.M. ON JUNE 27, 2013, PENDING**
25 **RESOLUTION OF WRIT PROCEEDINGS**
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1 I.

2 **INTRODUCTION**

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4 This Reply should be reviewed contemporaneously with the Reply to
5 Answer to Petition for Writ of Prohibition being filed concurrently with this
6 Reply.¹

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8 II.

9 **STATEMENT OF FACTS AND PROCEDURAL HISTORY**

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11 Lynita has taken great liberty with what occurred at the trial and pertinent
12 provisions of the Divorce Decree in a desperate attempt to confuse this Court and
13 shift the focus on the simple question raised in the Petition for Writ of Prohibition,
14 which is “whether the District Court exceeded its jurisdiction and erred as a matter
15 of law by ordering the ELN Trust to pay Eric’s spousal support obligation and
16 child support arrearages based upon statutes from other jurisdictions and in
17 contravention of Nevada law.” See Petition for Writ of Prohibition at 8:15-20,
18 previously filed on June 21, 2013. Specific examples of Lynita’s most egregious
19 misrepresentations are identified in the ELN Trust’s Reply to Answer to Petition
20 for Writ of Prohibition.
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26 ¹ Ironically, Lynita accuses the ELN Trust of exceeding the page limit set
27 forth in NRAP 27(d)(2) and then she proceeds to personally violate such rule.
28 Further, Lynita’s Opposition to the Emergency Motion and Answer to Petition for
Writ of Prohibition were untimely. See Order Directing Answer and Granting
Temporary Stay previously filed on June 21, 2013, on file herein.

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III.

LEGAL ANALYSIS

A. **Nola Harber, the Successor Distribution Trustee of the ELN Trust has standing to maintain the Motions.**

Lana Martin, the prior Distribution Trustee of the ELN Trust, resigned on or around June 10, 2013. *See* Notice of Substitution of Distribution Trustee, attached as Exhibit 1. Pursuant to the Change of Trusteeship for the ELN Trust dated June 8, 2011, Jeffrey Burr, Esq. appointed Ms. Harber to serve as the Successor Distribution Trustee of the ELN Trust in the event that Ms. Martin became “deceased, unable or unwilling to serve as the current Distribution Trustee.” *See id.* Ms. Harber accepted the appointment of Distribution Trustee, and Eric, the Investment Trustee of the ELN Trust, authorized and delegated Ms. Harber to defend, maintain and pursue any and all actions on behalf of the ELN Trust. *See id.* A Notice of Substitution of Distribution Trustee was filed with the District Court on July 16, 2013. *See id.*

Since Ms. Martin resigned as Distribution Trustee, Ms. Harber is the only one authorized to bring the Petition for Writ of Prohibition as she is the real party in interest. *See, e.g.,* NRCP 17(a) (“Real Party in interest. Every action shall be prosecuted in the name of the real party in interest. An executor, . . . trustee of an express trust, . . . may sue in that person’s own name without joining the party for

1 whose benefit the action is brought; . .”). As Lynita recognized in her Answer, “it
2 is the trustees, rather than the trust itself that is entitled to bring suit.” *Causey v.*
3 *Carpenters So. Nev. Vacation Trust*, 95 Nev. 609, 610, 600 P.2d 244, 245 (1979).
4 That is exactly what happened here: the Distribution Trustee, Ms. Harber, initiated
5 the instant writ proceeding.
6

7
8 Contrary to Lynita’s contention, a motion for substitution pursuant to
9 NRCP 25(c) is improper and unnecessary in the context of a trust because there
10 has been no “transfer of interest” because the Distribution Trustee of the ELN
11 Trust, is still the party to the litigation, albeit the person serving in the capacity of
12 Distribution Trustee has changed. The resignation of Ms. Martin is akin to when a
13 public officer “dies, resigns, or otherwise ceases to hold office,” see NRCP
14 25(d)(1), at which time the “officer’s successor is automatically substituted as a
15 party.” (Emphasis Added). No motion is required. Although “[a]n order of
16 substitution may be entered at any time, [] the omission to enter such an order
17 shall not affect the substitution.” *See id.*
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22 **B. The NRAP 8(c) factors weigh in favor of granting a stay of the Divorce**
23 **Decree ordering payment of funds to Lynita and the June 19, 2013,**
24 **Order pending these writ proceedings.**

25 Lynita failed to respond to the majority of arguments raised in the
26 Emergency Motion as to why a stay pending resolution of the Petition for Writ of
27 Prohibition was appropriate. In short, Lynita contends that a stay is improper
28

1 because: (1) Ms. Harber lacks standing to pursue the Petition for Writ of
2 Prohibition; (2) the ELN Trust will not suffer irreparable harm if the stay is denied
3 because "the potential loss of money is not enough to show irreparable harm;" and
4 (3) the objection of the Petition for Writ of Prohibition will not be defeated if a
5 stay is denied.
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8 First, Lynita's contention that Ms. Harber lacks standing fails for the
9 reasons stated above.
10

11 Second, the ELN Trust will suffer irreparable harm if the stay is lifted
12 because the ELN Trust will be unable to recoup any funds paid to Lynita because
13 all of her assets are owned by her Nevada self-settled spendthrift trust, the LSN
14 Trust. If the Petition for Writ of Prohibition is granted, it will confirm that the
15 District Court exceeded its jurisdiction thereby precluding the District Court from
16 issuing another order that the LSN Trust repay the debts of Lynita to the ELN
17 Trust. Further, if the stay is lifted, it will set a precedent that any creditor may
18 hold the ELN Trust liable for personal obligations of a beneficiary thereby
19 potentially subjecting the ELN Trust to further litigation. Finally, the payment of
20 funds will impede the ELN Trust's ability to maintain and run the day-to-day
21 operations of entities owned by the ELN Trust because the District Court also
22 ordered the ELN Trust to transfer its most profitable income producing properties
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1 to the LSN Trust. Lynita's contention that the object of the appeal will not be
2 defeated if a stay is not issued, fails for the same reasons.
3

4 **C. A supersedeas bond is not required.**

5 Lyntia concedes that a supersedeas bond is not required pending the
6 resolution of Petition for Writ of Prohibition. *See, e.g.,* NRAP (8)(a)(2)(E) ("The
7 Court may condition relief on a party's filing a bond or other appropriate security
8 in the district court."). (Emphasis Added). Notwithstanding, Lynita requests that
9 if this Court is inclined to grant a stay, it should require the ELN Trust to post a
10 supersedeas bond as outlined by the District Court during the June 19, 2013,
11 hearing. The District Court, however, did not identify a clear "outline" at such
12 hearing and/or state that it would impose a supersedeas bond. Indeed, the District
13 Court identified a couple of things that "it thought" it could do, but no definitive
14 outline was identified. As such, imposing the District Court's "outline" is simply
15 impractical. The ELN Trust submits that a supersedeas bond is unnecessary as it
16 has sufficient assets to pay the approximate \$1,000,000.00 if unsuccessful in the
17 instant writ proceedings. Alternatively, if this Court is inclined to impose a
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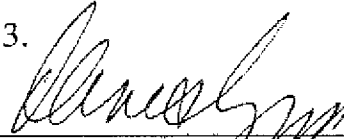
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1 supersedeas bond it should be minimal.

2 DATED this 22nd day of July, 2013.



3
4
5 MARK A. SOLOMON, ESQ., NSB 0418

6 E-mail: msolomon@sdfnvlaw.com

7 JEFFREY P. LUSZECK, ESQ., NSB 9619

8 E-mail: jluszeck@sdfnvlaw.com

9 **SOLOMON DWIGGINS & FREER, LTD.**

10 9060 W. Cheyenne Avenue

11 Las Vegas, Nevada 89129

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nev. R. App. P. 5(b), I hereby certify that I am an employee of
3
4 the law firm of Solomon Dwiggin & Freer, Ltd., and that on July 22, 2013, I
5 filed a true and correct copy of the foregoing *Reply to Opposition to Emergency*
6 *Motion Under NRAP 27E for Stay Pending Resolution of Writ Proceedings;*
7 *NRAP 27E Certificate*, WITH THE Clerk of the Court through the Court's eFlex
8
9 electronic filing system and notice will be sent electronically by the Court to the
10
11 following:

12 Robert P. Dickerson, Esq.
13 Katherine L. Provost, Esq.
14 THE DICKERSON LAW GROUP
15 1745 Village Center Circle
16 Las Vegas, Nevada 89134
info@dickersonlawgroup.com

Counsel for Lynita S. Nelson, defendant
in District Court

17 Radford J. Smith, Chartered
18 Rhonda K. Forsberg, Esq.
19 64 N. Pecos Road, Suite 700
20 Henderson, Nevada 89074
rforsberg@radfordsmith.com

Counsel for Eric L. Nelson, real party in
interest

21
22 I also hereby certify that the foregoing document will be hand-delivered on
23 this date to the following:

24
25 Hon. Frank P. Sullivan, Department O
26 Robert P. Dickerson, Esq.
27 Rhonda K. Forsberg, Esq.

28 DATED: June 22, 2013

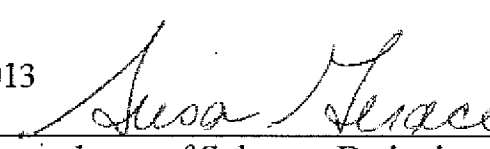
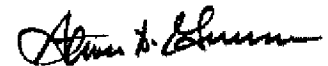

An employee of Solomon Dwiggin & Freer, Ltd.

EXHIBIT 1

EXHIBIT 1

Electronically Filed
07/16/2013 03:31:12 PM



CLERK OF THE COURT

1 **NOTC**
2 MARK A. SOLOMON, ESQ.
3 Nevada State Bar No. 0418
4 E-mail: msolomon@sdfnvlaw.com
5 JEFFREY P. LUSZECK, ESQ.
6 Nevada State Bar No. 9619
7 E-mail: jluszeck@sdfnvlaw.com
8 SOLOMON DWIGGINS & FREER, LTD.
9 Cheyenne West Professional Centre
10 9060 W. Cheyenne Avenue
11 Las Vegas, Nevada 89129
12 Telephone No.: (702) 853-5483
13 Facsimile No.: (702) 853-5485
14 Attorneys for NOLA HARBER,
15 Distribution Trustee of the ERIC L. NELSON
16 NEVADA TRUST dated May 30, 2001
17

10 **DISTRICT COURT**

11 **COUNTY OF CLARK, NEVADA**

12 ERIC L. NELSON,

13 Plaintiff/Counterdefendant,

14 vs.

15 LYNITA SUE NELSON, LANA MARTIN,
16 as Distribution Trustee of the ERIC L.
17 NELSON NEVADA TRUST dated May 30,
18 2001

18 Defendants/Counterclaimants.

19 LANA MARTIN, Distribution Trustee of the
20 ERIC L. NELSON NEVADA TRUST dated
21 May 30, 2001,

21 Crossclaimant,

22 vs.

23 LYNITA SUE NELSON,
24

25 Crossdefendant.
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Case No.: D411537

Dept.: O

SOLOMON DWIGGINS & FREER, LTD.
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NOTICE OF SUBSTITUTION OF DISTRIBUTION TRUSTEE

Please take notice that on or around June 10, 2013, Lana Martin resigned as Distribution Trustee of the ELN Trust. See Resignation of Current Distribution Trustee of the ELN Trust and Successor Distribution Trustee to Act in that Capacity, attached hereto as **Exhibit 1**. Pursuant to the Change of Trusteeship for the ELN Trust dated June 8, 2011, Jeffrey Burr, Esq. appointed Nola Harber to serve as the Successor Distribution Trustee of the ELN Trust in the event that Ms. Martin became "deceased, unable or unwilling to serve as the current Distribution Trustee." See Change of Trusteeship for the ELN Trust dated June 8, 2011, attached hereto as **Exhibit 2**. Ms. Harber has accepted the appointment as Distribution Trustee of the ELN Trust, *see* Ex. 1, and Eric Nelson, the Investment Trustee, has authorized and delegated Ms. Harber to defend, maintain and pursue any and all actions on behalf of the ELN Trust. See Delegation of Nola Harber, attached hereto as **Exhibit 3**.

DATED this 16th day of July, 2013.

SOLOMON DWIGGINS & FREER, LTD.

By


MARK A. SOLOMON, ESQ.

Nevada State Bar No. 0418

msolomon@sdfnvlaw.com

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Attorneys for Nola Harber, Distribution Trustee

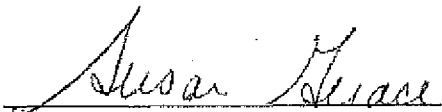
SOLOMON DWIGGINS & FREER, LTD.
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that pursuant to EDCR 7.26(a), service of the foregoing NOTICE OF
SUBSTITUTION OF DISTRIBUTION TRUSTEE was made on this 16th day of July, 2013, by sending a
true and correct copy of the same by United States Postal Service, first class postage fully prepaid, to
the following at his last known address as listed below:

Robert P. Dickerson, Esq.
Dickerson Law Group
1745 Village Center Circle
Las Vegas, NV 89134


An employee of Solomon Dwiggins & Freer, Ltd.

SOLOMON DWIGGINS & FREER, LTD.
9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TEL: (702) 853-5483 | FAX: (702) 853-5485

EXHIBIT 1

EXHIBIT 1

**RESIGNATION OF CURRENT DISTRIBUTION TRUSTEE OF THE ERIC L. NELSON NEVADA TRUST
AND SUCCESSOR DISTRIBUTION TRUSTEE TO ACT IN THAT CAPACITY**

I, Lana Martin, as current Distribution Trustee of the Eric L. Nelson Nevada Trust hereby resign my role as Distribution Trustee of the Eric L. Nelson Nevada Trust as I'm no longer willing to serve in that capacity.

Pursuant to that certain *Change of Trusteeship for the Eric L. Nelson Nevada Trust* dated June 8th, 2011, executed by Jeffrey L. Burr, Esq on behalf of Jeffrey Burr, LTD, as Trust Consultant, I hereby request that per Article 11.2 of such agreement, that NOLA HARBER serve as Successor Distribution Trustee of the Trust.

I certify that the foregoing is true and correct and hereby resign as Current Distribution Trustee.


LANA MARTIN

STATE OF NEVADA

)

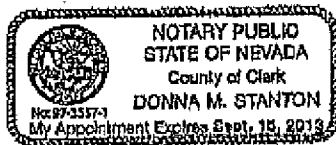
)ss:


COUNTY OF CLARK

)

On June 10th, 2013, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared LANA MARTIN personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

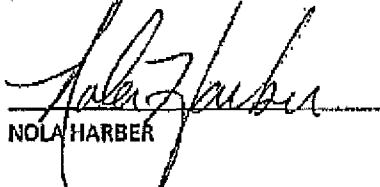
WITNESS my hand and official seal.




Notary Public

ACCEPTANCE BY SUCCESSOR DISTRIBUTION TRUSTEE TO ACT AS CURRENT DISTRIBUTION TRUSTEE

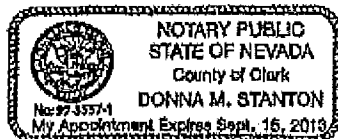
I certify that I have read the *Change of Trusteeship for the Eric L. Nelson Nevada Trust* dated June 8, 2011 and understand the terms and conditions for my service as Distribution Trustee and I accept in all particulars.


NOLA HARBER

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

On June 10, 2013, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared NOLA HARBER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.





Notary Public

EXHIBIT 2

EXHIBIT 2

**CHANGE OF TRUSTEESHIP
FOR THE
ERIC L. NELSON NEVADA TRUST**

THIS CHANGE OF TRUSTEESHIP, dated June 8, 2011, is made in accordance with ARTICLE XI, Section 11.3, entitled Trust Consultant, as provided in the Trust Agreement, dated May 30, 2001.

Witnesseth:

WHEREAS, ERIC L. NELSON, as Trustor, established the ERIC L. NELSON NEVADA TRUST on May 30, 2001, wherein ERIC L. NELSON is serving as Investment Trustee, NOLA HARBER is serving as Distribution Trustee and JEFFREY BURR, LTD., formerly known as JEFFREY L. BURR, LTD., a Nevada corporation, is serving as Trust Consultant; and

WHEREAS, pursuant to the power reserved to JEFFREY BURR, LTD., as the Trust Consultant, in Section 11.3 of the within referenced Trust Agreement, it is the Trust Consultant's desire to remove LYNITA SUE NELSON as the first nominated Successor Investment Trustee of the within referenced Trust Agreement and to make other Successor Investment Trustee changes; and

WHEREAS, pursuant to the power reserved to JEFFREY BURR, LTD., as the Trust Consultant, in Section 11.3 of the within referenced Trust Agreement, it is the Trust Consultant's desire to remove NOLA HARBER as current Distribution Trustee of the within referenced Trust Agreement and to make other Distribution Trustee changes.

NOW, THEREFORE by executing this Change of Trusteeship, the Trust Consultant hereby makes the following modifications and changes to the current and successor Trusteeship of the ERIC L. NELSON NEVADA TRUST dated May 30, 2001:

I.

Effective immediately, LYNITA SUE NELSON is hereby removed as the Successor Investment Trustee of the Trust and NOLA HARPER is hereby removed as the current Distribution Trustee of the Trust

II.

ARTICLE 11 – PROVISIONS RELATING TO TRUSTEESHIP. Sections 11.1 and 11.2 of this Article 11 shall be deleted in their entirety and the following shall be inserted in their stead:

“11.1 Investment Trustee and Successor Investment Trustee. ERIC L. NELSON is the current Investment Trustee of this Trust. If he should become deceased, unable or unwilling to serve, NOLA HARBER shall serve as Successor Investment Trustee of this Trust. If NOLA HARBER should become deceased, unable or unwilling to serve, CLARENCE NELSON shall serve as Successor Investment Trustee of this Trust. If CLARENCE NELSON should become deceased, unable or unwilling to serve, ALEDA NELSON shall serve as Successor Investment Trustee of this Trust. Except where specific powers are given to the Distribution Trustee as provided herein, wherever the term “Trustee” is used in this Trust, it shall be deemed to mean the Investment Trustee and Successor Investment Trustees as named above.

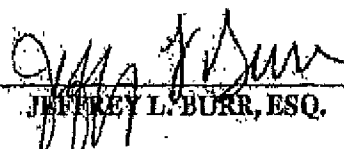
11.2 Distribution Trustee and Successor Distribution Trustee. LANA MARTIN is now appointed to serve as the current Distribution Trustee, effective immediately. If LANA MARTIN should become deceased, unable or unwilling to serve as the current Distribution Trustee, NOLA HARBER shall serve as Successor Distribution Trustee of this Trust. If NOLA HARBER should become deceased, unable or unwilling to serve, CLARENCE NELSON shall serve as Successor Distribution Trustee of this Trust. Notwithstanding the foregoing, upon the death of ERIC L. NELSON or in the event that he should cease to serve as the Investment Trustee hereunder, then the Distribution Trustee shall cease to serve and the administration and distribution of the Trust estate shall thereupon be under the exclusive control of the Investment Trustee(s). In no event shall the Trustor serve as a Distribution Trustee.”

III.

THIS CHANGE OF TRUSTEESHIP is made and executed by the Trust Consultant on the day and year first above written.


TRUST CONSULTANT:

JEFFREY BURR, LTD.,
a Nevada corporation

BY: 
JEFFREY L. BURR, ESQ.

ACCEPTANCE BY CURRENTLY APPOINTED DISTRIBUTION TRUSTEE

I certify that I have read the foregoing Change of Trusteeship and the within referenced Declaration of Trust and understand the terms and conditions for my service as current Distribution Trustee and I accept the Declaration of Trust in all particulars.

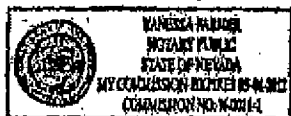

LANA MARTIN

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On June 8, 2011, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared JEFFREY BURR, ESQ. of JEFFREY BURR, LTD., a Nevada corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized

capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

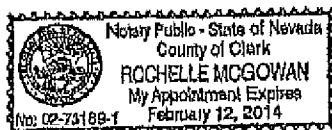


Vanessa Hunter
NOTARY PUBLIC

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On June 8, 2011, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared LANA MARTIN personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Rochelle McGowan
NOTARY PUBLIC

EXHIBIT 3

EXHIBIT 3

Delegation of Nola Harber

Due to the conflict of interest that I, ERIC NELSON, have as Investment Trustee of the ERIC L. NELSON NEVADA TRUST dated May 30, 2001, pertaining to the claims asserted by NOLA HARBER, Distribution Trustee of the ERIC L. NELSON NEVADA TRUST dated May 30, 2001, in Clark County District Court Case No. Case No. D-411537, I hereby authorize and delegate NOLA HARBER to defend, maintain and pursue any and all actions on behalf of the ERIC L. NELSON NEVADA TRUST dated May 30, 2001 in relation to such claims. This Delegation is also being made as a result of the fact that the undersigned previously delegated such authority to Lana A. Martin on August 19, 2011, but Ms. Martin has resigned as Distribution Trustee and NOLA HARBER has become the successor Distribution Trustee of the ERIC L. NELSON NEVADA TRUST dated May 30, 2001.

Dated this ____ day of June, 2013.

A handwritten signature in black ink, appearing to read 'Eric L. Nelson', with a long horizontal line extending to the right.

ERIC L. NELSON, Investment Trustee of the
ERIC L. NELSON NEVADA TRUST dated
May 30, 2001

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

2 *****

3 NOLA HARBER, as Distribution Trustee
4 of the ERIC L. NELSON NEVADA
5 TRUST dated May 30, 2001

6 Petitioners,

7 vs.

8 EIGHTH JUDICIAL DISTRICT COURT
9 OF THE STATE OF NEVADA, CLARK
10 COUNTY, and THE HONORABLE
11 FRANK P. SULLIVAN, DISTRICT
12 JUDGE

13 Respondents,

14 and

15 ERIC L. NELSON and LYNITA S.
16 NELSON, individually, and LSN
17 NEVADA TRUST dated May 30, 2001,
18 LARRY BERTSCH

 Real Parties in Interest.

Electronically Filed
Jul 23 2013 02:30 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO. 63432

19 **MOTION FOR EXTENSION OF TIME TO FILE A REPLY TO**
20 **RESPONDENTS OPPOSITION TO EMERGENCY MOTIONS**

21
22 MARK A. SOLOMON, ESQ., NSB #0418
23 E-mail: msolomon@sdfnvlaw.com
24 JEFFREY P. LUSZECK, ESQ., NSB #9619
25 E-mail: jluszeck@sdfnvlaw.com
26 **SOLOMON DWIGGINS & FREER, LTD.**
27 9060 W. Cheyenne Avenue
28 Las Vegas, Nevada 89129
 Telephone: (702) 853-5483
 Attorneys for Petitioner, Nola Harber as
 Distribution Trustee of the ELN Nevada Trust


1 On June 21, 2013, this Court issued an Order Directing Answer and
2 Granting Temporary Stay (“Order”) which specifically states that:
3

4 real parties in interest, on behalf of respondents, shall have 15 days
5 from the date of this order to file an answer, including authorities,
6 against issuance of an extraordinary writ. Petitioners shall have 11
7 days from filing and service of the answer to file and serve any
8 reply.” See Order Directing Answer and Granting Temporary Stay,
9 previously filed on June 21, 2013.

10 Petitioner understood such Order to mean that real parties in interest had
11 fifteen days to file an answer to the Petition for Writ of Prohibition (“Answer”)
12 and Reply to Opposition to Emergency Motion Under NRAP 27(e) For Stay to
13 Issue by 2:00 p.m. on June 21, 2013, Pending Resolution of Writ Proceedings and
14 Reply to Opposition to Emergency Motion Under NRAP 27(e) For Stay to Issue
15 by 5:00 p.m. on June 27, 2013, Pending Resolution of Writ Proceedings
16 (“Responses”) as both the Answer and Response were filed contemporaneously on
17 July 9, 2013. As such, Petitioner believed that they had eleven days from July 9,
18 2013, to file both their Reply to the Answer and Reply to Responses on July 22,
19 2013, which Petitioner tried to do on that date. However, the Clerk of the Court
20 has raised the issue whether Petitioner’s interpretation is correct, or whether the
21 normal filing rule applies. If Petitioner was incorrect, Petitioner respectfully
22 requests that this Court grant an extension to file its Reply to Responses, a copy of
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1 which is attached hereto as Exhibit A.

2 Dated this 23rd day of July, 2013.

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4 
5 MARK A. SOLOMON, ESQ., NSB 0418
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11 Attorneys for Petitioner, Nola Harber as
12 Distribution Trustee of the ELN Nevada Trust
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