

IN THE SUPREME COURT OF THE STATE OF NEVADA

VILLAGE LEAGUE TO SAVE
INCLINE ASSETS, INC., et al.

Appellants

vs.

THE STATE OF NEVADA ex rel
STATE BOARD OF EQUALIZATION,
et al.,

Respondents.

) Supreme Court Case No. 63581

) District Court Case No. CV03-06922

Electronically Filed
Nov 25 2013 04:25 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION OF VILLAGE LEAGUE APPELLANTS FOR AN EXTENSION
OF TIME FOR FILING OPENING BRIEF – SECOND REQUEST**

Appellants Village League to Save Incline Assets, Inc.; Maryanne Ingemanson, Trustee of the Larry D. & Maryanne B. Ingemanson Trust; Dean R. Ingemanson, Individually and as Trustee of the Dean R. Ingemanson Trust; J. Robert Anderson; Les Barta; Kathy Nelson, Trustee of the Kathy Nelson Trust and Andrew Whyman, move the Court, pursuant to NRAP 27 and NRAP 31(b) for an extension of time of an additional two weeks up to and including Monday, December 9, 2013, within which to file and serve their opening brief. The opening brief is currently due on November 25, 2013. The brief was originally due on Wednesday, November 13, 2013. That date was extended by stipulation pursuant to NRAP 31(b)(2) and approved by this Court for an additional twelve (12) days to Monday, November 25, 2013, to coincide with the filing of the Bakst Appellants

brief.

Unfortunately, as more fully set forth in the declaration of counsel attached, and notwithstanding the diligent efforts of counsel, preparation of the brief was more complicated and required more time than anticipated. For those reasons, the brief cannot be completed before the filing deadline.

Counsel for the Village League appellants requests a second two week extension for filing the opening brief, to and including December 9, 2013. This will be the second extension sought with respect to the opening brief. If this request is granted, the time for filing the opening brief will have been extended for a total of 26 days.

Counsel for respondents have been advised of this request by email and counsel for the County Respondents, the State Board of Equalization and the Pershing County Assessor have indicated no objection. Counsel for the Churchill County Assessor has not responded to the email but the undersigned counsel for appellants has no reason to believe that counsel for the Churchill County Assessor will object to the requested extension.

Dated this 25th day of November, 2013.

SNELL & WILMER

by 

Suellen Fulstone, Bar No. 1615

Attorneys for Village League Appellants

CERTIFICATE OF SERVICE

This document was filed electronically with the Nevada Supreme Court on November 25, 2013. Electronic service of this document shall be made in accordance with the Service List as follows:

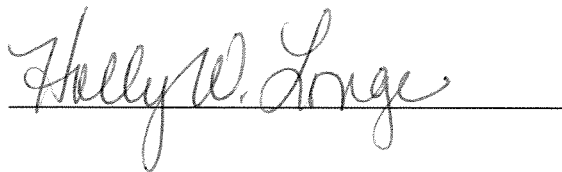
Dawn Buoncristiani
Office of the Attorney General
100 North Carson St.
Carson City, NV 89701

David Creekman
Washoe County District Attorney's Office
Civil Division
P.O. Box 30083
Reno, NV 89520

Arthur E. Mallory
Churchill County District Attorney
165 N. Ada Street
Fallon, NV 89406

Jim C. Shirley
Pershing County District Attorney
400 Main Street
P.O. Box 934
Lovelock, NV 89419

Norman J. Azevedo
405 N. Nevada Street
Carson City, NV 89703

A handwritten signature in cursive script, reading "Kelly W. Longe", is written over a horizontal line.

**DECLARATION OF SUELLEN FULSTONE IN SUPPORT OF MOTION
FOR AN EXTENSION OF TIME FOR FILING OPENING BRIEF**

Suellen Fulstone, under penalty of perjury, states as follows:

1. I am an attorney duly licensed to practice in the courts of the State of Nevada. I am employed by Snell & Wilmer, counsel for Appellants, Village League to Save Incline Assets, Inc.; Maryanne Ingemanson, Trustee of the Larry D. & Maryanne B. Ingemanson Trust; Dean R. Ingemanson, Individually and as Trustee of the Dean R. Ingemanson Trust; J. Robert Anderson; Les Barta; Kathy Nelson, Trustee of the Kathy Nelson Trust and Andrew Whyman (“Village League appellants”), in Appeal No. 63581, in the Supreme Court of the State of Nevada

2. I am solely responsible for the preparation of the opening brief on behalf of the Village League appellants and the joint appendix to be filed with the opening brief.

3. The opening brief was originally due on November 13, 2013. Pursuant to stipulation, the time for Village League appellants to file their opening brief was extended twelve (12) days to Monday, November 25, 2013 so that the opening brief would be filed at the same time as the Bakst Intervenor’s opening brief.

4. I have worked diligently to complete the brief for filing on time. It has, however, proven to be more complicated and require more research and writing than I anticipated. Notwithstanding my best efforts, and even if I keep my

secretary in the office until midnight, it will be impossible for us to have the brief completed and ready to file today.


5. Although I am close to completing the brief, I am prevented from further work on it this week because I am flying to D.C. tomorrow morning to spend the Thanksgiving holiday with my daughter.

6. I am asking for a two week extension because, concurrently with the practice of law, I am enrolled in a master's program at the University of Nevada-Reno. Next week is the final week in the fall semester and I have a paper and a final project due. Under the circumstances, I am requesting two weeks so that I do not have to make a third request.

7. I have contacted counsel for the other parties to advise them of my intention to seek this extension. Counsel for the Washoe County respondents, the Pershing County Assessor and the State Board of Equalization have no objection to the requested extension. *See* emails attached. I do not believe that counsel for the Churchill County Assessor will have any objection either.

8. I respectfully ask the Court to grant the requested second extension for an additional two weeks, for a total of 26 days. The additional time will allow me to prepare and file a quality brief on behalf of my clients.

Dated this 25th day of November, 2013.


Suellen Fulstone, Bar No. 1615

Longe, Holly

From: Fulstone, Suellen
Sent: Monday, November 25, 2013 2:00 PM
To: Longe, Holly
Subject: FW: Opening Brief on behalf of Village League appellants

Importance: High

From: Kaplan, Herbert [HKaplan@da.washoecounty.us]
Sent: Monday, November 25, 2013 1:43 PM
To: 'Jim Shirley'; Fulstone, Suellen; DBuoncristiani@ag.nv.gov; amallory@churchillda.org; norm@nevadataxlawyers.com
Subject: RE: Opening Brief on behalf of Village League appellants

I'm fine with an extension.

Herbert B. Kaplan
Deputy District Attorney
P.O. Box 30083
Reno, NV 89520-3083
(775) 337-5716
Fax (775) 337-5732
hkaplan@da.washoecounty.us

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-----Original Message-----

From: Jim Shirley [<mailto:jshirley@pershingcounty.net>]
Sent: Monday, November 25, 2013 1:54 PM
To: Fulstone, Suellen; DBuoncristiani@ag.nv.gov; Kaplan, Herbert; amallory@churchillda.org; norm@nevadataxlawyers.com
Subject: Re: Opening Brief on behalf of Village League appellants

I would stipulate to an extension of time.

Jim Shirley

----- Original Message -----

From: "Fulstone, Suellen" <sfulstone@swlaw.com>

Longe, Holly

From: Fulstone, Suellen
Sent: Monday, November 25, 2013 2:09 PM
To: Longe, Holly
Subject: FW: Opening Brief on behalf of Village League appellants

From: Dawn Buoncristiani [DBuoncristiani@ag.nv.gov]
Sent: Monday, November 25, 2013 2:08 PM
To: Fulstone, Suellen
Subject: RE: Opening Brief on behalf of Village League appellants

Whatever you need, Suellen. It is the holidays so don't stress. Enjoy the time with your daughter.

-----Original Message-----

From: Fulstone, Suellen [<mailto:sfulstone@swlaw.com>]
Sent: Monday, November 25, 2013 1:32 PM
To: Dawn Buoncristiani; hkaplan@da.washoecounty.us; amallory@churchillda.org; jshirley@pershingcounty.net; norm@nevadataxlawyers.com
Subject: Opening Brief on behalf of Village League appellants

Counsel -- I have been working like crazy to get this brief done but, even if I keep my secretary here until midnight, I cannot get it done today. I need only a couple of days -- But I am leaving tomorrow morning for D.C. to spend the Thanksgiving holiday with my daughter and next week is the end of the semester at UNR and I have a final paper and a final project due. I am going to be asking the Court for an additional two weeks. I will have it filed sooner if I can get it done. I just don't want to be asking a third time. I hope this doesn't create a problem for anyone. I know the opposing briefs will be due right around Christmas no matter what. Obviously I have no objection to whatever additional time anybody needs down the road.

Norm has his brief done and filed so my plan of coordinating the briefing schedules has failed. Maybe it can be put back in place somewhere along the line going forward.

My best wishes for a safe and happy Thanksgiving to all.

Suellen Fulstone