

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

2
3 Supreme Court No.: 65456

4 District Court No.: A542616

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Aug 14 2014 10:36 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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7 HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION,

8 Petitioner,

9 v.

10 EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the
11 COUNTY OF CLARK; THE HONORABLE SUSAN H. JOHNSON,

12 Respondents,

13 and

14 D.R. HORTON, INC.,

15 Real Party in Interest.

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D.R. HORTON, INC.'S LIMITED JOINDER TO PETITIONER'S
18 **EMERGENCY MOTION FOR STAY OF DISTRICT COURT**
19 **PROCEEDINGS PENDING RESOLUTION OF ALL PARTIES' PETITIONS**
20 **FOR WRIT OF MANDAMUS; REQUEST FOR EXPEDITED**
21 **CONSIDERATION PURSUANT TO NRAP 8(2)(D)**
22

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Attorneys for Real Party in Interest, D.R. HORTON, INC.

COMES NOW, D.R. HORTON, INC., ("D.R. Horton") by and through its counsel, the law firm of WOOD, SMITH, HENNING & BERMAN, LLP, and hereby submits this Limited Joinder to Petitioner's Emergency Motion for Stay of District Court Proceedings Pending Resolution of all Parties' petitions for Writ of Mandamus; Request for Expedited Consideration Pursuant to NRAP 8(2)(D) ("Petitioner's Motion").

MEMORANDUM OF POINTS AND AUTHORITIES

D.R. Horton hereby joins in the Petitioner's Motion only to the extent that the Motion seeks a stay of all proceedings in this action currently before the District Court pending a determination and resolution of all writ petitions, and without waiving any of the arguments set forth in D.R. Horton's Petitions for Writ of Mandamus.

While D.R. Horton believes Petitioner violated the five-year-rule set forth in Nevada Rule of Civil Procedure 41(e), and therefore this case should be dismissed¹, it is in the best interest of all parties to stay this matter, to avoid this case having to be tried twice.

As such, D.R. Horton respectfully requests this Court grant a stay of all proceedings in this action currently before the District Court pending a determination and resolution of all writ petitions.

Dated this 14th day of August, 2014. **WOOD, SMITH, HENNING & BERMAN LLP**

By: 

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¹ This argument is addressed in detail in D.R. Horton's Petition for Writs of Prohibition and/or Mandamus, filed on July 16, 2014 and July 18, 2014.

CERTIFICATE OF SERVICE

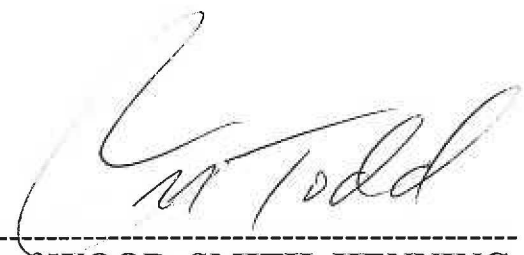
I HEREBY CERTIFY that on the 14th day of April, 2014, I submitted for electronic filing and electronic service to all parties the foregoing D.R. HORTON, INC.'S LIMITED JOINDER TO PETITIONER'S EMERGENCY MOTION FOR STAY OF DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF ALL PARTIES' PETITIONS FOR WRIT OF MANDAMUS; REQUEST FOR EXPEDITED CONSIDERATION PURSUANT TO NRAP 8(2)(D).

I HEREBY CERTIFY that on the 14th day of April, 2014, a copy of D.R. HORTON, INC.'S LIMITED JOINDER TO PETITIONER'S EMERGENCY MOTION FOR STAY OF DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF ALL PARTIES' PETITIONS FOR WRIT OF MANDAMUS; REQUEST FOR EXPEDITED CONSIDERATION PURSUANT TO NRAP 8(2)(D) was hand delivered to the following:

Honorable Judge Susan H. Johnson
Regional Justice Center, Department XXII
Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, NV 89101

I HEREBY CERTIFY that on the 14th day of April, 2014, a copy of D.R. HORTON, INC.'S LIMITED JOINDER TO PETITIONER'S EMERGENCY MOTION FOR STAY OF DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF ALL PARTIES' PETITIONS FOR WRIT OF MANDAMUS; REQUEST FOR EXPEDITED CONSIDERATION PURSUANT TO NRAP 8(2)(D) was hand delivered to the following:

Paul P. Terry
John J. Stander
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Attorneys for Real Party in Interest



Employee of **WOOD, SMITH, HENNING
& BERMAN LL**