

1 Thomas J. Hall, Esq.
Nevada State Bar No. 675
2 LAW OFFICES OF THOMAS J. HALL
305 South Arlington Avenue
3 Reno, Nevada 89501
4 Telephone: 775-348-7011
Facsimile: 775-348-7211

Electronically Filed
Dec 17 2014 03:04 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

6 IN THE SUPREME COURT OF THE STATE OF NEVADA

7
8 J.W. Bentley and Maryann Bentley,
Trustees of the Bentley Family
9 1995 Trust,
Appellants,

No. 66932

10 vs.

11
12 The State of Nevada State Engineer;
Hall Ranches, LLC; Thomas J.
13 Scyphers; Kathleen M. Scyphers;
Frank Scharo; Sheridan Creek
14 Equestrian Center, LLC, a
Nevada limited liability company;
15 Donald S. Forrester; Kristina M.
Forrester; Ronald R. Mitchell;
16 and Ginger G. Mitchell,

17 Respondents.

18 _____/
19 RESPONSE TO MOTION TO CONSOLIDATE

20 COME NOW, Respondents HALL RANCHES, LLC, a Nevada Limited
21 Liability Company, THOMAS J. SCYPHERS, KATHLEEN M. SCYPHERS, FRANK
22 SCHARO, SHERIDAN CREEK EQUESTRIAN CENTER, LLC, a Nevada Limited
23 Liability Company, DONALD S. FORRESTER, KRISTINA M. FORRESTER,
24 RONALD R. MITCHELL and GINGER G. MITCHELL, by and through their
25 counsel Thomas J. Hall, Esq., and pursuant to Rule 27(a)(3)(A)
26 hereby respond to the Motion to Consolidate filed herein on or
27 about December 9, 2014, as follows:
28

1 This appeal stems from the Findings of Fact, Conclusions of
2 Law, Judgment and Decree entered below rendering void a Water
3 Diversion Agreement and granting awards of attorney fees in the
4 amount of \$90,000 and costs in the amount of \$7,127.05.

5 In the Motion to Consolidate filed by Appellants in Case No.
6 66932, it is stated that "case [64773] has been fully briefed and
7 should be consolidated with this case to prevent repetition."
8

9 It is unclear from the Motions to Consolidate filed in all
10 three related appeals currently before the Court, if the three
11 Cases 64773, 66303 and 66932 are consolidated, what briefing and
12 scheduling orders will be required, inasmuch as all the briefs in
13 Case 64773 have been prepared and submitted to the Court as
14 follows:

- 15 1. Appellants' [Bentleys'] Opening Brief filed May 12, 2014;
- 16 2. Opening Brief on Appellants Joy Smith, Daniel Barden &
17 Elaine Barden;
- 18 3. Respondents' and Intervenor's Answering Brief filed July
19 9, 2014;
- 20 4. Respondent's [State Engineer] Answering Brief filed July
21 10, 2014;
- 22 5. Appellants' [Bentleys'] Reply Brief to Intervenor's
23 Answering Brief filed August 18, 2014;
- 24 6. Appellants' [Bentleys'] Reply Brief to Nevada State
25 Engineer's Answering Brief filed August 19, 2014; and
26
27
28

1 7. Reply Brief of Appellants Joy Smith, Daniel Barden &
2 Elaine Barden filed August 19, 2014.

3 The issues found in the appeal are set forth in the Amended
4 Notice of Appeal filed November 21, 2014, to wit:

5 1. Findings of Fact, Conclusions of Law, Order and Judgment
6 entered in Case No. 08-CV-0363-D on April 5, 2012; and
7

8 2. Order concerning costs and attorney's fees entered in
9 Case No. 08-CV-0363-D on January 4, 2013.

10 3. Findings of Fact, Conclusions of Law, Judgment and Decree
11 entered on September 29, 2014;

12 If the Court is inclined to grant the motion as to Cases 66932
13 and 64773, in no event should the Court allow the Appellants to use
14 the consolidation as an opportunity to re-brief legal arguments
15 that were already fully briefed in Case 64773. Therefore, the
16 Court is requested to direct the Appellants to limit any further
17 briefing to new matters raised by the appeal in Case 66932.
18

19 Wherefore it is respectfully requested that the Motions to
20 Consolidate be denied if the parties would be required to file
21 additional and repetitive briefing on those fully briefed matters
22 which have already been submitted to this Court.
23

24 The undersigned does hereby affirm that the preceding document
25 does not contain the social security number of any person.

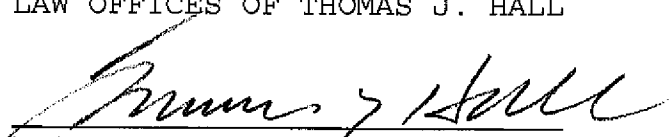
26 \\\

27 \\\

28 \\\

1 Respectfully submitted this 17th day of December, 2014.

2 LAW OFFICES OF THOMAS J. HALL

3
4 
THOMAS J. HALL, ESQ.

5 Nevada Bar No. 675

6 305 South Arlington Avenue

7 Post Office Box 3948

8 Reno, Nevada 89505

CERTIFICATE OF SERVICE

I certify that I am an employee of Thomas J. Hall, Esq., and that on this date, pursuant to NRAP 25(b), I electronically filed the foregoing with the Clerk of the Court by using the ECF system and placed in the U.S. Mail, postage prepaid and, a true and correct copy of the preceding document addressed to:

Matuska Law Offices, Ltd.
Michael L. Matuska, Esq.
937 Mica Drive, Suite 16A
Carson City, Nevada 89705

Sheridan Creek Equestrian
Glenn A. Roberson, Jr.
281 Tiger Wood Court
Gardnerville, Nevada 89460

Bryan L. Stockton, Esq.
Senior Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701

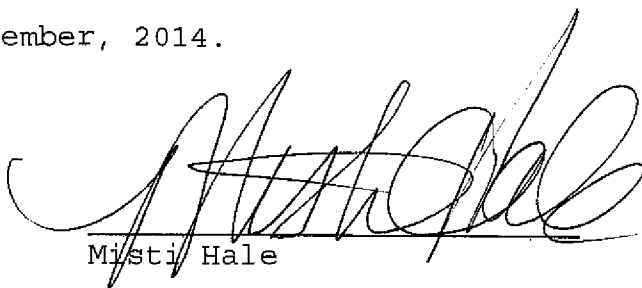
Donald S. Forrester
Kristina M. Forrester
913 Sheridan Lane
Gardnerville, Nevada 89460

Gordon H. DePaoli, Esq.
Woodburn and Wedge
Post Office Box 2311
Reno, Nevada 89505

Frank Scharo
Post Office Box 1225
Minden, Nevada 89423

Ronald R. Mitchell
Ginger G. Mitchell
Post Office Box 5607
Stateline, Nevada 89449

DATED this 17th day of December, 2014.



Misti Hale