

IN THE SUPREME COURT OF NEVADA

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Tracie K. Lindeman
Clerk of Supreme Court

J.W. BENTLEY and MARYANN
BENTLEY, TRUSTEES OF THE
BENTLEY FAMILY 1995 TRUST,

Appellants,

v.

HALL RANCHES, LLC, a Nevada
limited liability company; THOMAS J.
SCYPHERS; KATHLEEN M.
SCYPHERS; FRANK SCHARO;
SHERIDAN CREEK EQUESTRIAN
CENTER, LLC, a Nevada limited liability
company; DONALD S. FORRESTER;
KRISTINA M. FORRESTER; RONALD
R. MITCHELL; and GINGER G.
MITCHELL,

Respondents.

Case No. 66932

**REPLY TO NEVADA STATE
ENGINEER'S OPPOSITION TO
MOTION FOR CLARIFICATION
OF ORDER**

COME NOW J.W. BENTLEY and MARYANN BENTLEY, Trustees of the Bentley Family 1995 Trust, by and through their counsel of record, Matuska Law Offices, Ltd., Michael L. Matuska, and hereby reply to the Opposition to Motion for Clarification of Order filed by the Nevada State Engineer, Jason King, P.E.

Bentley filed its Motion to Consolidate on December 10, 2014. This Court ordered consolidation of the various cases in its January 22, 2015 Order. In that same order, this Court also explained that the jurisdictional issue was resolved; therefore the parties need to submit new briefs that do not contain argument on the jurisdictional issue. That part of the order needs no clarification.

1 The State Engineer's Opposition is much like the Opposition previously filed
2 by the Intervenor. Their Oppositions repeat prior arguments that the case
3 concerning judicial review of the rotation schedule imposed by the State Engineer is
4 fully briefed, and accuse Bentley of attempting to re-brief the issue. The State
5 Engineer and the Intervenor seem to disregard this Court's January 22, 2015 Order
6 which directed the parties to file new briefs.
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9 The State Engineer's Opposition is even more acerbic than the Opposition
10 filed by the Intervenor. The State Engineer accuses Bentley of trying to
11 "preemptively expand the scope of appeal", making arguments that are
12 "unresponsive to the issue therein", seeking to file "an extra brief to expand on the
13 already irrelevant arguments made," "wast[ing] resources," and trying to
14 "vexatiously multiply the pleadings." The State Engineer and the Intervenor failed
15 to cite any portion of the record that supports these statements, and these
16 inflammatory comments are counterproductive. Bentley does not even know what it
17 means to "preemptively expand the scope of appeal." The State Engineer and the
18 Intervenor are simply trying to repeat what worked for them in the lower court –
19 substitute hyperbole for reason and inflammatory comments for evidence in an
20 attempt to prevent Bentley, Smith and Barden from defending their vested water
21 rights against impairment by the rotation schedule and the Intervenor.
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1 These types of comments also demonstrate a disregard for the extensive
2 efforts made by the State Bar of Nevada and the Nevada State Court to promote
3 civility in the legal profession.
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5 Respectfully submitted,

6 Dated this 4th day of March 2015.
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9 By: 

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CERTIFICATE OF SERVICE

I certify that on the 4th day of March 2015, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

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Dated this 4th day of March 2015.


LIZ STERN, ALS