

Bogatz Law Group
I. SCOTT BOGATZ, ESQ.
Nevada Bar No. 3367
CHARLES M. VLASIC III, ESQ.
Nevada Bar No. 11095
3883 Howard Hughes Parkway, Suite 790
Las Vegas, Nevada 89169
Telephone: (702) 776-7000
Facsimile: (702) 776-7900
sbogatz@rrblf.com
cvlasic@rrblf.com
Attorneys for Petitioners

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May 01 2015 12:00 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN A. RITTER, an individual, and
DARRIN D. BADGER, an individual,

Petitioners,

Supreme Court Case No: 67835

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
in and for the COUNTY OF CLARK,
and the HONORABLE JERRY A.
WIESE, II., District Court Judge,

District Court Case No: A-13-680542-C

Respondents.

and

OMNI FAMILY LIMITED
PARTNERSHIP, a Nevada domestic
limited partnership,

Real Party in Interest.

MOTION TO EXCEED PAGE LIMIT OF MOTION TO STAY

Petitioners, John A. Ritter (“Ritter”) and Darrin D. Badger (“Badger”) (collectively, “Petitioners”), by and through their attorneys of record, Bogatz Law Group, hereby respectfully move this Court to exceed the page limit for their Motion To Stay District Court Proceedings (the “Motion To Stay”), which is

1 timely filed along with this Motion, pursuant to NRAP 27(d)(2). This Motion is
2 made and based upon the following Memorandum of Points and Authorities, all the
3 papers and pleadings on file herein, and the attached Declaration of Charles M.
4 Vlastic III, Esq.

5 Dated this 1st day of May, 2015.

6 **BOGATZ LAW GROUP**

7
8 By: /s/ Charles M. Vlastic III, Esq.

9 I. Scott Bogatz, Esq.

10 Nevada Bar No. 3367

11 Charles M. Vlastic III, Esq.

12 Nevada Bar No. 11095

13 3883 Howard Hughes Pkwy, Suite 790

14 Las Vegas, Nevada 89169

15 *Attorneys for Petitioners*

16
17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 NRAP 27(d)(2) stipulates that all motions before this Court are not to exceed
19 ten pages. However, NRAP 27(d)(2) also allows parties to exceed the page limit
20 upon permission of the Court.

21 In the underlying case, Petitioners' Motion To Stay contains twelve (12)
22 pages. Good cause exists to allow the Motion To Stay to exceed the page limit.
23 The following reasons are outlined in and supported by the Declaration of Charles
24 M. Vlastic III, Esq., attached hereto as Exhibit 1:

1) Petitioners request that this Court allow the Motion To Stay to be filed
with this Court due to the numerous legal issues raised in this appeal.

2) Petitioners request permission to exceed the page limit of the Motion
To Stay due to the complexity of the proceedings below.

3) Petitioners are requesting a Motion To Stay of the District Court litigation to allow this Court to consider issues related to compliance with NRS 40.455 and an unsupported Order issued by the District Court. The District Court's Order in this matter ignored the clear and unambiguous language of the statute and Supreme Court precedent. Despite Petitioners' best efforts to adhere to the page limits, documenting these issues with regard to the factors justifying a stay as outlined in NRAP 8 required more than the ten pages allotted by the rule. The details associated with the underlying order, the current pending Writ Petition, and the NRAP 8 factors are all necessary to properly address and justify the Motion To Stay.

4) Therefore, Petitioners believe good cause exists to allow the Motion To Stay to exceed this Court's page limit.

Accordingly, for the foregoing reasons and good cause shown, and pursuant to NRAP 27(d)(2), this Court should allow Petitioners to file their current Motion To Stay consisting of twelve (12) pages.

Dated this 1st day of May, 2015.

BOGATZ LAW GROUP

By: /s/ Charles M. Vlasic III, Esq.
I. Scott Bogatz, Esq.
Nevada Bar No. 3367
Charles M. Vlasic III, Esq.
Nevada Bar No. 11095
3883 Howard Hughes Pkwy, Suite 790
Las Vegas, Nevada 89169
Attorneys for Petitioners

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 1st day of May, 2015, our office caused service of a true and correct copy of the above and foregoing **MOTION TO EXCEED PAGE LIMIT OF MOTION TO STAY DISTRICT COURT PROCEEDINGS** pursuant to the Supreme Court Electronic Filing System, and by first class United States mail, postage prepaid, Las Vegas, Nevada, to the following:

The Honorable Jerry A. Wiese II
Eighth Judicial District Court
Department 30
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Roger P. Croteau, Esq.
Roger P. Croteau & Associates, LTD.
9120 W. Post Rd., #100
Las Vegas, Nevada 89148
croteaulaw@croteaulaw.com

Attorneys for Real Party in Interest Omni Family Limited Partnership

/s/ Jaimie Stilz-Outlaw
An employee of Bogatz Law Group

EXHIBIT 1

EXHIBIT 1

DECLARATION OF CHARLES M. VLASIC III, ESQ.

I, CHARLES M. VLASIC III, ESQ., being first duly sworn, declare as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief and, as to those facts, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am a partner with the law firm of Bogatz Law Group, counsel of record for the Petitioners in Supreme Court Case No. 67835.¹

3. Petitioners are filing the Motion To Stay due to the numerous legal issues raised in this appeal.

4. Petitioners are requesting permission to exceed the page limit of the Motion To Stay due to the complexity of the proceedings below.

5. Petitioners are requesting writ relief and a stay of the District Court litigation to allow this Court the opportunity to consider issues related to compliance with NRS 40.455 and an unsupported Order issued by the District Court. Specifically, Petitioners believe the District Court's April 13, 2015 Order in this matter ignored the clear and unambiguous language of the statute and this Court's precedent in Lavi.

6. Despite Petitioners' best efforts to adhere to the page limits, documenting these issues with regard to the factors justifying a stay as outlined in NRAP 8 requires more than the ten pages allotted by the rule. The details

¹ Unless otherwise stated herein, the capitalized terms used herein have the same meaning ascribed to them in the accompanying Motion To Exceed Page Limit Of Motion To Stay.

1 associated with the underlying order, the current pending Writ Petition, and the
2 NRAP 8 factors are all necessary to properly address and justify the Motion To
3 Stay.

4 7. Good cause exists to allow the Motion To Stay to exceed this Court's
5 page limit.

6 I declare under penalty of perjury under the laws of the State of Nevada
7 (NRS 53.045),² that the foregoing is true and correct.

8 Dated this 1st day of May, 2015.

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10 /s/ Charles M. Vlasic III, Esq.
11 CHARLES M. VLASIC III, ESQ., Declarant
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22 ² **NRS 53.045** Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any
23 matter whose existence or truth may be established by an affidavit or other sworn declaration
24 may be established with the same effect by an unsworn declaration of its existence or truth
signed by the declarant under penalty of perjury, and dated, in substantially the following form.