

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 PUBLIC EMPLOYEES
4 RETIREMENT SYSTEM, a public
5 agency, a public entity and component
6 of the State of Nevada,

7 Appellant,

8 vs.

9 SHAE E. GITTER, an individual, and
10 JARED SHAFER, as Special
11 Administrator of the Estate of Kristine
12 Jo Freshman,

13 Respondents.

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Mar 02 2016 03:42 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

No. 69208

Appeal from the Eighth Judicial
District Court, Clark County,
Case No. A697642

14 **STIPULATION FOR TIME TO EXTEND TIME TO FILE OPENING**
15 **BRIEF AND APPENDIX**

16 Pursuant to NRAP 26(b)(2), the parties by and through their respective
17 counsel of record, hereby represent and stipulate as follows:

18 1. Respondents, SHAE E. GITTER, an individual, and JARED
19 SHAFER, as Special Administrator of the Estate of Kristine Jo Freshman
20 (collectively, "Gitter"), filed an action against the Appellant, PUBLIC
21 EMPLOYEES RETIREMENT SYSTEM ("PERS") on March 13, 2014. Gitter
22 asserted that PERS wrongfully denied Gitter's entitlement to survivor beneficiary
23 benefits after the murder of Gitter's mother by her mother's spouse.

24 2. PERS denied benefits asserting that provision of Chapter 238
25 prevented Gitter from having the status of a survivor beneficiary.

26 3. The District Court granted summary judgment in favor of Gitter
27 against PERS and entered a judgment granting past due benefits in the amount of
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1 \$203,231.76 and prejudgment interest at 12% in the amount of \$69,240.40 plus
2 lifetime benefit of \$2,938.86 per month, plus PRI increases.

3 4. On November 13, 2015, PERS filed a Notice of Appeal. PERS'
4 Opening Brief and Appendix is due on March 21, 2016.

5 5. Gitter filed a motion for attorney's fees against PERS and PERS'
6 counsel for attorney's fees based on NRS 18.010 and NRS 7.085 The District
7 Court entered an Order on February 10, 2016, granting attorney's fees, jointly and
8 severally, against PERS, W. Chris Wicker and the law firm of Woodburn and
9 Wedge in the amount of \$96,272.50. A copy of the Notice of Entry is attached
10 hereto as Exhibit A.

11 6. PERS filed a Motion to Retax Costs, which was granted in part by
12 order entered on February 10, 2016. A copy of the Notice of Entry is attached
13 hereto as Exhibit B.

14 7. PERS will appeal both orders prior to the expiration of the time to
15 appeal.

16 8. W. Chris Wicker and Woodburn and Wedge will file a petition for a
17 writ of mandamus challenging the order granting attorney's fees against W. Chris
18 Wicker and Woodburn and Wedge.

19 9. The parties agree that the legal and factual issues related to both
20 appeals and the petition are substantially common and judicial economy will be
21 achieved if they are briefed together.

22 10. The parties stipulate and request the Supreme Court to extend the
23 time for PERS to file its Opening Brief and Appendix to when a new briefing
24 schedule is ordered as to the appeals of the fee and cost orders.

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1 11. If the Supreme Court entertains the Petition for Writ of Mandamus,
2 the response to it should also coincide with appeal briefing.

3 DATED this 2 day of ^{March} February,
4 2016.

DATED this 29th day of February,
2016.

5 WOODBURN AND WEDGE

BAILEY, KENNEDY

6 By: W. Chris Wicker

By: D. L. Kennedy

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8 Nevada Bar No. 1037

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11 PUBLIC EMPLOYEES
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