

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, on relation of its
Department of Transportation,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT, COUNTY OF CLARK, STATE OF
NEVADA, AND THE HONORABLE
GLORIA STURMAN, DISTRICT JUDGE,

Respondents,

and

FRED NASSIRI, individually and as trustee of
the NASSIRI LIVING TRUST, a trust formed
under Nevada law,

Real Party in Interest.

Electronically Filed
Apr 19 2016 02:35 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Case No. 70098

District Court Case No. A672841

**NOTICE OF ENTRY OF
STIPULATION AND ORDER
TO STAY PROCEEDINGS
AND TRIAL PENDING THE
OUTCOME OF THE STATE'S
PETITION FOR WRIT OF
MANDAMUS**

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ATTORNEYS FOR PETITIONER

On April 7, 2016, the State of Nevada, on relation of its Department of Transportation (the “State”), filed a petition for writ of mandamus with the Nevada Supreme Court in the above-captioned case. In its petition, the State requested relief in advance of trial, which, at the time, was scheduled to commence in the Clark County district court on a trial stack beginning on May 31, 2016. After the State filed its petition, however, the parties stipulated, and the district court ordered, to stay the district court proceedings and the May 31, 2016, trial date pending the outcome of the State’s petition. The State hereby notifies the Nevada Supreme Court that a stipulation and order to stay proceedings and trial pending the outcome of the State’s petition was entered in the district court on April 14, 2016, and that the May 31, 2016, trial date referenced in the State’s writ petition is no longer applicable. A copy of the file-stamped stipulation and order to stay is attached.

DATED this 19th day of April, 2016.

/s/ Eric Pepperman
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of April, 2016, the forgoing NOTICE OF ENTRY OF STIPULATION AND ORDER TO STAY PROCEEDINGS AND TRIAL PENDING THE OUTCOME OF THE STATE'S PETITION FOR WRIT OF MANDAMUS was filed electronically with the Nevada Supreme Court and served through the Court's electronic service system.

/s/ Angela Embrey.
An employee of Kemp, Jones & Coulthard, LLP


CLERK OF THE COURT

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15 DISTRICT COURT
16 CLARK COUNTY, NEVADA

18 FRED NASSIRI, individually and as trustee
19 of the NASSIRI LIVING TRUST, a trust
formed under Nevada law,

20 Plaintiffs,

21 vs.

22 STATE OF NEVADA, on relation of its
23 Department of Transportation; DOE
GOVERNMENT AGENCIES I-X,
24 inclusive; DOE INDIVIDUALS I-X; and
DOE ENTITIES 1-10, inclusive,

25 Defendants.
26

Case No.: A672841
Dept. No.: XXVI

**NOTICE OF ENTRY OF STIPULATION
AND ORDER TO STAY PROCEEDINGS
AND TRIAL PENDING THE OUTCOME
OF THE STATE'S PETITION FOR
WRIT OF MANDAMUS**

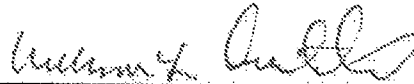
27 PLEASE TAKE NOTICE that a STIPULATION AND ORDER TO STAY
28 PROCEEDINGS AND TRIAL PENDING THE OUTCOME OF THE STATE'S PETITION

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1 FOR WRIT OF MANDAMUS was entered in the above-entitled matter on April 14, 2016, a
2 copy of which is attached hereto.

3 DATED this 15th day of April, 2016.

4 Respectfully submitted by:

5 

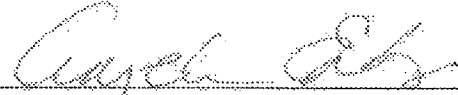
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2016, I served a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF STIPULATION AND ORDER TO STAY PROCEEDINGS AND TRIAL PENDING THE OUTCOME OF THE STATE'S PETITION FOR WRIT OF MANDAMUS** to all parties, via the Court's e-filing service.


An employee of Kemp, Jones & Coulthard, LLP

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15 DISTRICT COURT

16 CLARK COUNTY, NEVADA

17 FRED NASSIRI, individually and as trustee
18 of the NASSIRI LIVING TRUST, a trust
formed under Nevada law,

19 Plaintiffs,

20 vs.

21 STATE OF NEVADA, on relation of its
22 Department of Transportation; DOE
GOVERNMENT AGENCIES I-X,
23 inclusive; DOE INDIVIDUALS I-X; and
DOE ENTITIES I-10, inclusive,

24 Defendants.
25

Case No.: A672841
Dept. No.: XXVI

**STIPULATION AND ORDER TO STAY
PROCEEDINGS AND TRIAL PENDING
THE OUTCOME OF THE STATE'S
PETITION FOR WRIT OF MANDAMUS**

DEPARTMENT XXVI
NOTICE OF HEARING
DATE 7-26-16 TIME 9:00 a.m.
APPROVED BY HJU

26 Defendant, State of Nevada, on relation of its Department of Transportation (the
27 "State"), by and through its counsel of record, Kemp, Jones & Coulthard, LLP, and the Office
28 of the Attorney General, and Plaintiff, Fred Nassiri, individually and as trustee of the Nassiri

1 Living Trust ("Plaintiff"), by and through his counsel of record, Garman Turner Gordon LLP,
2 hereby stipulate and agree as follows:

3 1. A jury trial in this matter is currently scheduled on the Court's four-week trial
4 stack beginning on May 31, 2016.

5 2. On or about April 6, 2016, the State filed in the Nevada Supreme Court a petition
6 for a writ of mandamus in the above-captioned action.

7 3. The parties recognize that the outcome of the State's petition could impact the
8 scope and/or likelihood of continued litigation in this matter, including at the upcoming jury
9 trial.

10 4. The parties agree that it would be mutually beneficial and economical to know
11 the outcome of the State's petition before preparing for and going forward with a potentially
12 lengthy and costly jury trial.

13 5. Accordingly, this case shall be stayed from the date of entry of this Order until
14 the Nevada Supreme Court resolves the State's pending petition for writ of mandamus.

15 6. Following a final order resolving the State's writ petition, the parties will work
16 together to seek an order from this Court lifting the stay. To the extent that a jury trial is still
17 allowed, the parties will work together to reset the trial on the soonest date that is practicable for
18 both parties and the Court.

19 7. The May 31, 2016 trial date—and all trial-related deadlines—should be vacated.

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21 ///

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1 8. The parties agree that the time in which this action must be brought to trial under
2 Nevada Rule of Civil Procedure 41(e) is extended by the length of the stay.

3
4 DATED this 13th day of April, 2016.

5 KEMP, JONES & COULTHARD, LLP

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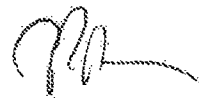
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20 *Attorneys for the State*

5 DATED this 13th day of April, 2016.

6 GARMAN TURNER GORDON LLP

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ORDER

Based upon the stipulation of the parties, IT IS HEREBY ORDERED THAT:

1. This case shall be stayed from the date of entry of this Order until the Nevada Supreme Court resolves the State's pending petition for writ of mandamus.

2. Following a final order resolving the State's writ petition, the parties will work together to seek an order from this Court lifting the stay. To the extent that a jury trial is still allowed, the parties will work together to reset the trial on the soonest available date that is practicable for both parties and the Court.

3. The May 31, 2016 trial date—and all trial-related deadlines—are vacated.

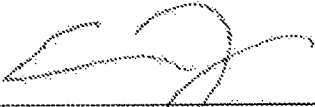
4. The time in which this action must be brought to trial under Nevada Rule of Civil Procedure 41(e) is extended by the length of the stay.

DATED this 4 day of April, 2016.

A status check has been set on July 26, 2016 at 9:00 a.m.


DISTRICT COURT JUDGE

Respectfully submitted by:


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