

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

STATE OF NEVADA DEPARTMENT  
OF TRANSPORTATION,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GLORIA STRUMAN, 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  
Jul 25 2016 08:30 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court  
District Court Case No.: A672841  
No.: 70098

**OPPOSITION TO MOTION TO  
EXTEND TIME TO FILE REPLY  
IN SUPPORT OF PETITION FOR  
WRIT OF MANDAMUS**

As set forth in the Answer to the Petition for Writ of Mandamus (the “Answer”), the issues raised in the Petition for Writ of Mandamus (the “Petition”) have been repeatedly briefed before the District Court. In essence, the parties are engaged in the regurgitation of arguments made no less than three times before. NDOT has already had 30 days to respond to the arguments in the Answer. The request of an additional three-weeks of briefing time more than triples the time allowed for the reply brief. Furthermore, the Petition is more than 50 pages and adequately sets forth NDOT’s position. To say the least, everything that can be said on the subject has been said. Further extension only welcome unnecessarily, lengthy briefs that burden the Court.

Furthermore, NDOT's request for extraordinary relief is premised on the assertion that it had no adequate remedy at law. NDOT, however, is delaying the start of the trial that would be its adequate remedy at law. NDOT waited until a year after the conclusion of the first trial (which it requested be held on a preferential setting) and until the eve of the Second Trial (which NDOT asked to be pushed out until Summer 2016) to file its Petition. The request for the extension only further delays NDOT's adequate remedy and should obviate any argument that immediate or extraordinary relief is needed.

The Petition further states that extraordinary relief is needed or else the wheels of progress will come to a screeching halt, as NDOT claims that it is unwilling and unable to condemn properties until this case is resolved. The Opposition points out why this policy reason is fictitious. However, NDOT's request to further delay the consideration of the Petition belies its own position and demonstrates that no extraordinary relief is needed.

Finally, Nassiri's interest in resolving this matter cannot be minimized. He has incurred significant legal expense in bringing a case and now faces further delay. The matter should proceed to trial and from there NDOT can take any necessary appeal. Accordingly, NDOT's request for further time should be denied and the Court should consider the Petition based on the Petition and the Answer.

Dated this 22nd day of July, 2016.

GARMAN TURNER GORDON LLP

By /s/ Dylan T. Ciciliano

ERIC R. OLSEN

Nevada Bar No. 3127

Email: eolsen@gtg.legal

DYLAN T. CICILIANO

Nevada Bar No. 12348

Email: dciciliano@gtg.legal

650 White Drive, Suite 100

Las Vegas, Nevada 89119

Tel: (725) 777-3000

Attorneys for Plaintiffs

ATTORNEYS FOR REAL PARTY IN  
INTEREST

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **OPPOSITION TO MOTION TO EXTEND TIME TO FILE REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS** was filed electronically with the Nevada Supreme Court on the 22nd day of July, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Dennis Gallagher  
Eric Pepperman  
William Coulthard  
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Adam Laxalt

/s/ Dylan T. Ciciliano  
\_\_\_\_\_  
Dylan T. Ciciliano, an employee of  
Garman Turner Gordon LLP