

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

2
3 MEI-GSR HOLDINGS, LLC, a
4 Nevada Limited Liability Company,
5 d/b/a/ GRAND SIERRA RESORT,

6 Appellants,

7 vs.

8 PEPPERMILL CASINO, INC., a
9 Nevada Corporation, d/b/a/
10 PEPPERMILL CASINO; RYAN
11 TORS, an individual,

12 Respondents.

Supreme Court No. 70319

District Court Case No.: CV13-01704

Electronically Filed
Jan 19 2017 09:08 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

13 **REPLY IN SUPPORT OF APPELLANT'S MOTION**
14 **FOR PERMISSION TO FILE AN OVER-LENGTH OPENING BRIEF**

15 COHEN|JOHNSON|PARKER|EDWARDS

16 H. STAN JOHNSON, ESQ.

17 Nevada Bar No. 00265

18 sjohnson@cohenjohnson.com

19 CHRIS DAVIS, ESQ.

20 Nevada Bar No. 6616

 cdavis@cohenjohnson.com

255 E. Warm Springs Road, Suite 100

Las Vegas, Nevada 89119

Telephone: (702) 823-3500

Facsimile: (702) 823-3400

Attorneys for Appellant

1 On January 3, 2017, Appellant MEI-GSR HOLDINGS, LLC (“GSR”)
2 filed a motion for permission to file an over-length opening brief. Respondents
3 PEPPERMILL CASINO, INC. (“Peppermill”) and Ryan Tors’ response was due
4 on January 12, 2017. *See* Nev. R. App. P. 27(a)(3)(A) (“response must be filed
5 within 7 days after service of the motion”). Peppermill and Tors however have
6 not filed any response to GSR’s motion for permission to file an over-length
7 brief. Peppermill and Tors have therefore consented to granting the motion and
8 has waived any contrary argument. *See King v. Cartridge*, 121 Nev. 926, 124
9 P.3d 1161 (2005) (explaining that a “court has the discretion to construe [the
10 failure to serve and file an opposition] as an admission that the motion is
11 meritorious and a consent to granting the motion”); *Schuck v. Signature Flight*
12 *Support of Nevada, Inc.*, 126 Nev. 434, 436, 245 P.3d 542, 544 (2010)
13 (explaining that a point not raised in opposition to a motion “is deemed to have
14 been waived”).

15 //

16 //

17 //

18 //

19 //

20 //

Accordingly, for the reasons set forth in GSR's motion, this Court should find that counsel for GSR has acted diligently and that good cause is present to exceed the 14,000 word limit by approximately 4,084 words, and grant GSR permission to file its 18,084 word brief.

Dated this 18th day of January 2017

COHEN|JOHNSON|PARKER|EDWARDS

By: /s/ Chris Davis
H. Stan Johnson, Esq.
Nevada Bar No. 00265
Chris Davis, Esq.
Nevada Bar No. 06616
255 E. Warm Spring Road, Suite 100
Las Vegas, Nevada 89119
Attorneys for Appellant-Plaintiff

CERTIFICATE OF SERVICE

I certify that on 18th day of January, 2017, pursuant to N.E.F.R. 7, I caused the **REPLY IN SUPPORT OF APPELLANT'S MOTION FOR PERMISSION TO FILE AN OVER-LENGTH OPENING BRIEF** to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court "shall be considered as valid and effective service of the document" on the below listed persons who are registered users.

ROBISON, BELAUSTEGUI, SHARP & LOW

c/o Kent R. Robison, Esq.

71 Washington Street

Reno, Nevada 89503

krobison@rbsllaw.com

Attorney for the Respondent-Defendant Peppermill

And by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States Mail, Las Vegas, Nevada and addressed to:

Ryan Tors

3095 Idlewild Drive

Reno, Nevada 89509

DATED the 18th day of January, 2017.

/s/ Sarah Gondek

An employee of
COHEN|JOHNSON|PARKER|EDWARDS