

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUREKA COUNTY; AND DIAMOND
NATURAL RESOURCES PROTECTION
& CONSERVATION ASSOCIATION,

Petitioners,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF EUREKA;
THE HONORABLE GARY FAIRMAN,
DISTRICT JUDGE; AND BAUMANN
FAMILY TRUST,

Respondents,
and

SADLER RANCH, LLC; JASON KING,
P.E., NEVADA STATE ENGINEER,
DIVISION OF WATER RESOURCES,
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES;
BAUMANN FAMILY TRUST;
BURNHAM FARMS, LLC; GALEN
BYLER; MARIAN BYLER; CONLEY
LAND & LIVESTOCK, LLC; DAMELE
FARMS, INC.; DIAMOND VALLEY HAY
COMPANY, INC.; FRED L.
ETCHEGARAY; JOHN J.
ETCHEGARARY; MARY JEAN
ETCHEGARAY; LW & MJ
ETCHEGARAY FAMILY TRUST;
EUREKA MANAGEMENT CO., INC.;
GALLAGHER FARMS LLC; JAYME L.
HALPIN; SANDI HALPIN; TIM HALPIN;
HIGH DESERT HAY, LLC; J&T FARMS,
LLC; J.W.L. PROPERTIES, LLC; MARK

Case No.: 72317

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District Court Case No. Elizabeth A. Brown
Clerk of Supreme Court
CV-1504-218

MOYLE FARMS LLC; J.R. MARTIN TRUST; CHERYL MORRISON; MATT MORRISON; DEBRA L. NEWTON; WILLIAM H. NORTON; PATRICIA NORTON; D.F. & E.M. PALMORE FAMILY TRUST; STEWARDSHIP FARMING, LLC; SCOTT BELL; KRISTINA BELL; DON BERGNER; LINDA BERGNER; JAMES ETCHEVERRY; MICHEL AND MARGARET ANN ETCHEVERRY FAMILY LIMITED PARTNERSHIP; MARK T. AND JENNIFER R. ETCHEVERRY FAMILY TRUST; MARTIN P. AND KATHLEEN A. ETCHEVERRY FAMILY TRUST; LAVON MILLER; KRISTI MILLER; LYNFORD MILLER; SUSAN MILLER; ALBERTA MORRISON; DONALD MORRISON; RUBY HILL MINING COMPANY, LLC; ROGER ALLEN; AND JUDITH ALLEN,

Real Parties in Interest.

**REAL PARTIES IN INTEREST RUBY HILL MINING COMPANY, LLC'S
RESPONSE TO ORDER DIRECTING ANSWER**

Real Party in Interest, Ruby Hill Mining Company, LLC ("Ruby Hill"), by and through its undersigned counsel, Alex J. Flangas, Esq., of Holland & Hart LLP, hereby responds to this Court's Order Directing Answer (the "Order") entered on March 16, 2017.

In the Order, this Court directed each of the "real parties in interest" named in this proceeding to file a response with this Court, and gave two options with regard to that filing. Those options were to file either: (a) "answers, including authorities, against the issuance of the requested writ"; or (b) "if, however, any of the named real parties in interest do *not* believe they are *interested parties*

1 (emphasis added) in this proceeding, they shall notify this court within that same
2 time frame [30 days] that they do not intend to file an answer for that reason.”

3 Ruby Hill does not desire to file any additional papers with the Supreme
4 Court in this matter or to directly participate in this matter before the Court, but
5 not specifically for the two reasons listed by the Court in the Order.

6 Ruby Hill finds itself in the position of having an *interest* in the outcome,
7 for sure, but Ruby Hill does not desire to file an answer *against the issuance of*
8 *the requested writ*, primarily because Ruby Hill supported the position espoused
9 by the Petitioners here at the District Court level. Ruby Hill has confidence the
10 Petitioners will fully brief and present the matter to this Court without the need
11 for additional filings and presentation of papers by Ruby Hill, and therefore Ruby
12 Hill will not be filing papers for consideration by the Supreme Court.

13 Nevertheless, Ruby Hill would not necessarily characterize itself as one
14 that does not believe it is an “interested party” in this proceeding. Rather, while
15 Ruby Hill will quite clearly be affected by the outcome of this proceeding and is
16 very interested in the result, Ruby Hill simply desires to await the briefing and
17 argument of others who will capably present this matter to the Court for its
18 consideration.

19 DATED this 3rd day of April 2017

20 HOLLAND & HART LLP

21 By /s/ Alex J. Flangas

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Attorneys for Ruby Hill Mining Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Holland & Hart LLP, and that on the April 3, 2017, I caused to be served a true and correct copy of the foregoing **REAL PARTIES IN INTEREST RUBY HILL MINING COMPANY, LLC'S RESPONSE TO ORDER DIRECTING ANSWER** in the following manner:

(EMAIL) Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, the above-referenced document was electronically filed on the date hereof and served via Electronic Mail on the parties as set forth below:

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