

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; and WALKER)
LAKE WORKING GROUP,)
)
Appellants,)
)
vs.)
)
LYON COUNTY; CENTENNIAL)
LIVESTOCK; BRIDGEPORT)
RANCHERS; SCHROEDER GROUP;)
WALKER RIVER IRRIGATION)
DISTRICT; STATE OF NEVADA)
DEPARTMENT OF WILDLIFE;)
and COUNTY OF MONO,)
CALIFORNIA,)
)
Respondents.)

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Case No. 75917

**RESPONSE TO EMERGENCY REQUEST TO PERMIT AMICUS CURIAE
NEVADA STATE ENGINEER FIVE ADDITIONAL MINUTES OF
ARGUMENT TIME AT THE MARCH 3, 2020, ORAL ARGUMENT**

Appellants Mineral County, Nevada, and Walker Lake Working Group, by
and through undersigned counsel, hereby respectfully submit this response to the
*Emergency Request to Permit Amicus Curiae Nevada State Engineer Five
Additional Minutes of Argument Time at the March 3, 2020, Oral Argument*, filed
on the afternoon of Friday, February 28, 2020. This Response is supported by the
following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

The State Engineer has filed a last minute motion seeking an additional five minutes of time for it to present its argument in opposition to the Appellants' position alongside the other responding parties, and requesting that it be allowed to go first among the Respondents. Although the State Engineer styled its request for additional time as an "emergency" motion, the State Engineer had over three weeks from the time the Court set the oral argument to communicate and coordinate with counsel for the Appellants and counsel for the Respondents and to file its request. Instead, without making any attempt to communicate with Appellants' counsel to determine whether and on what terms the motion might be opposed or unopposed, and without acknowledging the requirements of Nevada Rule of Appellate Procedure 27(a)(1)-(3), the State Engineer chose to file its request at the eleventh hour.

Nonetheless, Appellants do not oppose the granting of five additional minutes of time on the Respondents' side for the State Engineer to take the lead among the Respondents, provided that the Appellants also be given an additional five minutes of time for their argument so as to ensure that Appellants are not prejudiced.

Accordingly, Appellants respectfully request that if the Court grants the State Engineer's request for an additional five minutes of time, then the Court

grant an equal amount of additional time to Appellants for their argument.

Respectfully submitted this 2nd day of March, 2020,

/s Simeon Herskovits

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*Attorneys for Appellants Mineral County, Nevada
and Walker Lake Working Group.*

CERTIFICATE OF SERVICE

I certify that I am an employee of the Advocates for Community and Environment, and that on this 2nd day of March, 2020, I electronically filed the foregoing **RESPONSE TO EMERGENCY REQUEST TO PERMIT AMICUS CURIAE NEVADA STATE ENGINEER FIVE ADDITIONAL MINUTES OF ARGUMENT TIME AT THE MARCH 3, 2020, ORAL ARGUMENT** in accordance with this Court's electronic filing system. Participants in this case who are registered with the Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that on the 2nd day of March, 2020, I caused to be served, via USPS first class mail, a complete copy of the foregoing on the following attorneys of record who are not registered for electronic service:

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