

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

---

***Supreme Court Case No. 76240***

---

Electronically Filed  
Jul 10 2018 11:25 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DANIEL OMERZA, DARREN BRESEE, and STEVE CARIA,

*Petitioners*

v.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE  
HONORABLE RICHARD F. SCOTTI, DISTRICT JUDGE, DEPT. II,  
DISTRICT COURT CASE NUMBER A-18-771224-C,

*Respondent,*

and

FORE STARS, LTD.; 180 LAND CO., LLC; and SEVENTY ACRES, LLC,

*Real Parties in Interest.*

---

**NOTICE OF SUGGESTION OF RECUSAL**

---

Mitchell J. Langberg, Esq., #10118  
[mlangberg@bhfs.com](mailto:mlangberg@bhfs.com)  
BROWNSTEIN HYATT FARBER  
SCHRECK LLP  
100 N. City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
702.382.2101

*Attorneys for Petitioners Daniel Omerza,  
Darren Bresee and Steve Caria*

On July 2, 2018, Petitioners filed their Petition for Writ of Prohibition, or Alternatively, Writ of Mandamus. On July 2, 2018, Justice Hardesty voluntarily recused himself.

Petitioners would like to alert the Court that in the matter of *Fore Stars, Ltd. v. District Court (Binion)*, Nevada Supreme Court Case Number 73813, Justices Hardesty, Cherry, Douglas, Gibbons, Parraguirre, and Pickering all recused themselves from participating in the matter. Notably, each of the petitioning parties in the *Fore Stars* matter is a real party in interest in the instant matter. Therefore, Petitioners must respectfully suggest that Justices Cherry, Douglas, Gibbons, Parraguirre, and Pickering should consider recusing themselves from the instant matter.

DATED this 9th day of July, 2018.

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

By: /s/ MITCHELL J. LANGBERG  
Mitchell J. Langberg, Esq. Bar No. 10118  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106

Attorneys for Daniel Omerza, Darren Bresee,  
and Steve Caria

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and that on this 9th day of July, 2018, I electronically filed and served a true and correct copies of the above and foregoing **NOTICE OF SUGGESTION OF RECUSAL** properly addressed to the to the following:

James J. Jimmerson, Esq.  
The Jimmerson Law Firm, P.C.  
415 South Sixth Street, Suite 100  
Las Vegas, Nevada 89101  
Email: [ks@jimmersonlawfirm.com](mailto:ks@jimmersonlawfirm.com)

Elizabeth Ham, Esq.  
EHB Companies, LLC  
9755 West Charleston Boulevard  
Las Vegas, Nevada 89117  
Email: [eham@ehbcompanies.com](mailto:eham@ehbcompanies.com)

*Attorneys for Plaintiffs*  
FORE STARS, LTD., 180 LAND CO., LLC;  
and SEVENTY ACRES, LLC

### **U.S. Mail Copy to:**

Honorable Richard Scotti  
Eighth Judicial District  
Court of Clark County, Nevada  
Regional Justice Center  
200 Lewis Avenue, Department 2  
Las Vegas, Nevada 89155

/s/ DeEtra Crudup  
An employee of Brownstein Hyatt Farber  
Schreck, LLP