

IN THE SUPREME COURT OF THE STATE OF NEVADA

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.,

Respondent

and

FORE STARS, LTD., a Nevada
Limited Liability Company; 180
LAND CO., LLC, a Nevada
Limited Liability Company;
SEVENTY ACRES, LLC, a Nevada
Limited Liability Company,

Real Parties in Interest

Electronically Filed
Jul 12 2018 04:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**Supreme Court Case No.:
76240**

District Court Case No.:
A-18-771224-C

**RESPONSE TO PETITIONERS'
"NOTICE OF SUGGESTION OF
RECUSAL"**

COME NOW Real Parties in Interest, Fore Stars, Ltd., 180 Land Co.,
LLC, and Seventy Acres, LLC, by and through their attorneys, James J.
Jimmerson, Esq. and James M. Jimmerson, Esq., of THE JIMMERSON
LAW FIRM, PC, and Elizabeth Ham, Esq., and hereby submit this *Response*
to Petitioners' "Notice of Suggestion of Recusal" filed July 10, 2018.

Petitioners, Daniel Omerza, Darren Bresee, and Steve Caria (“Petitioners”), have suggested that Chief Justice Douglas and Justices Cherry, Gibbons, Pickering, and Parraguirre recuse themselves from this matter. Yet, Petitioners do not provide a legal basis for the suggestion. *See In re Amerco Derivative Litig.*, 127 Nev. 196, 229, 252 P.3d 681, 704 (2011) (“However, appellants fail to cite any basis for disqualification under the Nevada Code of Judicial Conduct, and thus, we conclude that reassignment is not warranted.”). Instead they refer the Court to Supreme Court Case No. 73813, *Fore Stars, Ltd. v. District Court*. In Case No. 73813, the order denying Fore Stars’ writ petition (which is currently under rehearing) contains a footnote in which Chief Justice Douglas and Justices Cherry, Gibbons, Pickering, Hardesty, and Parraguirre “voluntarily recused themselves from participation in the decision in this matter.” (*See Order Denying Petition—Case No. 73813*, filed Mar. 9, 2018, attached as **Exhibit 1**). The sole reason for the suggestion is that Petitioners *presume* that the Justices of this Court recused themselves based upon a conflict with Fore Stars, Ltd.; 180 Land Co., LLC; and Seventy Acres, LLC (collectively “the Fore Stars et al Parties”). In reality, the order denying petition does not contain a specific reason for the recusals. *See Exhibit 1*.

1 It undermines Petitioners' presumption that the Fore Stars et al Parties
2 are all present in pending consolidated Supreme Court Case Nos. 72410 and
3 72455 in which both Chief Justice Douglas and Justice Gibbons maintained
4 their participation in those matters. (See Order Recalling Disqualifications—
5 Case No. 72410, filed Dec. 6, 2017, attached as **Exhibit 2**). Notably, the
6 docket text for consolidated Supreme Court Case Nos. 72410 and 72455
7 reveals that Justice Hardesty recused himself based upon "Parties." Justice
8 Parraguirre recused himself based upon "Voluntary Recusal." Justice Cherry
9 recused himself based upon "Parties." Justice Pickering recused herself
10 based upon "Parties." At best, Petitioners' suggestion should be in the nature
11 of an inquiry to determine whether those recusal bases are applicable in the
12 present matter, but instead Petitioners make a sweeping presumption with
13 an aim to obtain all recusals. See **Exhibit 3**.

14 According to the current state of the pending cases before this Court
15 involving the Fore Stars et al Parties, Chief Justice Douglas, and Justices
16 Gibbons and Stiglich have maintained their willingness and ability to
17 participate in the matters.¹

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25 ¹ It appears that Petitioners are taking an aim at unjustified "judge
26 shopping", a tactic this court has recognized as manipulation and erosion of
27 the power of the judiciary. See *City of Las Vegas Downtown Redevelopment*
28 *Agency v. Hecht*, 113 Nev. 664, 940 P.2d 134 (1997).

1 The Fore Stars et al Parties are mindful of the Nevada Code of Judicial
2 Conduct, Rule 2.11 (Disqualification) and that it is tempered with NCJC 2.7
3 (Responsibility to Decide). NCJC 2.7 specifically states, “A judge shall hear
4 and decide matters assigned to the judge, except when disqualification is
5 required by Rule 2.11 or other law.” The official comment to NCJC 2.7
6 expresses this very sentiment:
7

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9 Judges must be available to decide the matters that
10 come before the court. Although there are times
11 when disqualification is necessary to protect the
12 rights of litigants and preserve public confidence in
13 the independence, integrity, and impartiality of the
14 judiciary, judges must be available to decide matters
15 that come before the courts. Unwarranted
16 disqualification may bring public disfavor to the
17 court and to the judge personally. The dignity of the
18 court, the judge’s respect for fulfillment of judicial
19 duties, and a proper concern for the burdens that
may be imposed upon the judge’s colleagues require
that a judge not use disqualification to avoid cases
that present difficult, controversial, or unpopular
issues or involve difficult, controversial, or
unpopular parties or lawyers.

20 NCJC 2.11(C) outlines the process that judicial officers should follow in
21 disclosing potential disqualifying circumstances (other than for bias or
22 prejudice under NCJC 2.11(A)(1)), which calls for a disclosure, an
23 opportunity for the parties to consider the disclosure outside the presence of
24 the judicial officer, and whether to waive disqualification. NRS 1.230(3) also
25 requires the stated procedure of “the judge’s own motion.” In commenting
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1 upon these issues, this Court has previously explained that where no
2 “explanation of the nature of the claimed bias or prejudice was given and, as
3 such, stands unsubstantiated.” *Ham v. Eighth Judicial Dist. Court, In & For*
4 *Clark Cty.*, 93 Nev. 409, 413, 566 P.2d 420, 423 (1977). Notably, social
5 relationships alone do not create the basis for disqualification: “Moreover, a
6 judge, especially a judge in a small town, need not disqualify himself merely
7 because he knows one of the parties.” *Jacobson v. Manfredi by Manfredi*,
8 100 Nev. 226, 230, 679 P.2d 251, 254 (1984). This Court elaborated:

11 [A judge] must have neighbors, friends, and
12 acquaintances, business and social relations, and be
13 a part of his day and generation. Evidently the
14 ordinary results of such associations and the
15 impressions they create in the mind of the judge are
16 not the “personal bias or prejudice” to which the
statute refers.

17 *Id.* (citing *Ex parte N.K. Fairbank Company*, 194 F. 978, 989 (M.D. Ala.
18 1912)). Succinctly, this Court summarized the very principle that the Fore
19 Stars et al Parties now ask the Court to apply the following to Petitioners’
20 presumptive suggestion: “Without a valid reason for recusal, a judge has a
21 duty not to recuse himself.” *Id.*

22
23 The Fore Stars et al Parties do not dispute Justice Hardesty’s recusal but
24 inquire whether Justice Pickering’s prior recusal based upon the “Parties”
25 applies in the present matter, and similarly inquire whether Justice
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Parraguirre's prior recusal based upon "Voluntary Recusal" applies in the present matter. In the absence of a conflict, the Fore Stars et al Parties urge Justice Pickering and Justice Parraguirre to maintain availability to decide this matter.

The Fore Stars et al Parties also urge Chief Justice Douglas, Justice Gibbons and Justice Stiglich to maintain their availability to decide this matter based upon other pending appeals.

Dated this 12th day of July, 2018.

THE JIMMERSON LAW FIRM, P.C.

/s/ James J. Jimmerson, Esq.
James J. Jimmerson, Esq.
Nevada Bar No. 000264
THE JIMMERSON LAW FIRM, PC.
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Las Vegas, Nevada 89101
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Attorneys for Plaintiffs

EXHIBIT 1

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

FORE STARS, LTD., A NEVADA
LIMITED LIABILITY COMPANY; 180
LAND CO., LLC, A NEVADA LIMITED
LIABILITY COMPANY; SEVENTY
ACRES, LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND CITY OF
LAS VEGAS,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,
Respondents,

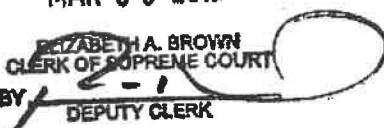
and

JACK B. BINION, AN INDIVIDUAL;
DUNCAN R. LEE AND IRENE LEE,
INDIVIDUALS AND TRUSTEES OF
THE LEE FAMILY TRUST; FRANK A.
SCHRECK, AN INDIVIDUAL; TURNER
INVESTMENTS, LTD., A NEVADA
LIMITED LIABILITY COMPANY;
ROGER P. WAGNER AND CAROLYN
G. WAGNER, INDIVIDUALS AND
TRUSTEES OF THE WAGNER FAMILY
TRUST; BETTY ENGLESTAD, AS
TRUSTEE OF THE BETTY
ENGLESTAD TRUST; PYRAMID LAKE
HOLDINGS, LLC; JASON AWAD AND
SHEREEN AWAD, AS TRUSTEES OF
THE AWAD ASSET PROTECTION
TRUST; THOMAS LOVE, AS TRUSTEE
OF THE ZENA TRUST; STEVE
THOMAS AND KAREN THOMAS, AS
TRUSTEES OF THE STEVE AND
KAREN THOMAS TRUST; SUSAN
SULLIVAN, AS TRUSTEE OF THE

No. 73813

FILED

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


18-09455

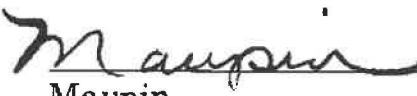
KENNETH J. SULLIVAN FAMILY
TRUST; DR. GREGORY BIGLER; AND
SALLY BIGLER,
Real Parties in Interest.

ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus challenges a district court order denying petitioners' motion for summary judgment. Having reviewed the petition, we are not convinced that petitioners have met their burden of demonstrating that our intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We therefore

ORDER the petition DENIED.¹


_____, Sr. J.
Rose


_____, Sr. J.
Maupin

STIGLICH, J., dissenting:

I dissent. I would entertain the writ petition.


_____, J.
Stiglich

¹The Honorables Michael L. Douglas, Chief Justice, and Michael A. Cherry, Mark Gibbons, Kristina Pickering, James W. Hardesty, and Ron Parraguirre, Justices, voluntarily recused themselves from participation in the decision in this matter.

cc: Hon. Nancy L. Allf, District Judge
Las Vegas City Attorney
The Jimmerson Law Firm, P.C
Pisanelli Bice, PLLC
Eighth District Court Clerk

EXHIBIT 2

EXHIBIT 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT N. PECCOLE; AND NANCY A.
PECCOLE,
Appellants,
vs.

FORE STARS, LTD., A NEVADA
LIMITED LIABILITY COMPANY; 180
LAND CO., LLC, A NEVADA LIMITED
LIABILITY COMPANY; SEVENTY
ACRES, LLC, A NEVADA LIMITED
LIABILITY COMPANY; EHB
COMPANIES, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
YOHAN LOWIE, AN INDIVIDUAL;
VICKIE DEHART, AN INDIVIDUAL;
AND FRANK PANKRATZ, AN
INDIVIDUAL,

Respondents.

ROBERT N. PECCOLE; AND NANCY A.
PECCOLE, INDIVIDUALS,
Appellants,

vs.

FORE STARS, LTD., A NEVADA
LIMITED LIABILITY COMPANY; 180
LAND CO., LLC, A NEVADA LIMITED
LIABILITY COMPANY; SEVENTY
ACRES, LLC, A NEVADA LIMITED
LIABILITY COMPANY; EHB
COMPANIES, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
YOHAN LOWIE, AN INDIVIDUAL;
VICKIE DEHART, AN INDIVIDUAL;

No. 72410

FILED

DEC 06 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

No. 72455

AND FRANK PANKRATZ, AN
INDIVIDUAL,
Respondents.

ORDER RECALLING DISQUALIFICATIONS

On November 9, 2017, a notice was entered disqualifying Justice Michael Douglas and Justice Mark Gibbons from participating in this matter. Further review has revealed that those disqualifications were inadvertently entered. Accordingly, the disqualifications entered for Justice Douglas and Justice Gibbons are hereby recalled and they will participate in this matter.

It is so ORDERED.

Stiglich, A.C.J.
Stiglich

cc: Peccole & Peccole, Ltd.
The Jimmerson Law Firm, P.C
Sklar Williams LLP
EHB Companies, LLC

EXHIBIT 3

EXHIBIT 3

Cases

Case Search

Participant Search

Disclaimer: The information and documents available here should not be relied upon as an official record of action.

Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 72410

Short Caption:	PECCOLE VS. FORE STARS, LTD. C/W 72455	Classification:	Civil Appeal - General - Other
Consolidated:	72410*, 72455	Related Case(s):	71550, 71608, 72455, 75396
Lower Court Case(s):	Clark Co. - Eighth Judicial District - A739654	Case Status:	Transferred to Court of Appeals
Disqualifications:	Cherry, Hardesty, Parraguirre, Pickering	Panel Assigned:	Panel
Replacement:			
To SP/Judge:	02/22/2017 / Shirinian, Ara	SP Status:	Completed
Oral Argument:		Oral Argument Location:	
Submission Date:		How Submitted:	

+ Party Information

Docket Entries

Date	Type	Description	Pending?	Document
02/21/2017	Filing Fee	Filing Fee Paid, \$250.00 from Robert N. Peccole Sr., Esq. Check no. 1183.		
02/21/2017	Notice of Appeal Documents	Filed Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)		17-05966
02/21/2017	Notice/Outgoing	Issued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed.		17-05970
02/22/2017	Settlement Notice	Issued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Ara H. Shirinian.		17-06226
03/06/2017	Docketing Statement	Filed Docketing Statement Civil Appeals.		17-07503
03/06/2017	Notice/Outgoing	Issued Notice to Provide Proof of Service on Settlement Judge (Docketing Statement).		17-07507
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Amended Complaint.		17-07515
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Letter from Hackel.		17-07517
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Letter to Hackel.		17-07518
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Defendants Supplement.		17-07519
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Response to Supplement.		17-07520
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Minute Order.		17-07522
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Notice of Entry of Order.		17-07525
03/06/2017	Exhibit	Filed Exhibits to Docketing Statement Order and Judgment Granting Attorney Fees.		17-07526
03/08/2017	Notice/Incoming	Filed Certificate of Service upon Settlement Judge (Docketing Statement).		17-07833

03/09/2017	Settlement Program Report	Filed ECAR/Appropriate for Settlement Program. This case is appropriate for mediation and a settlement conference is scheduled for 3/24/17 at 10:00 a.m.	17-08087
03/14/2017	Notice/Incoming	Filed Errata to the Docketing Statement.	17-08539
03/15/2017	Docketing Statement	Filed Respondent's Response to Appellant's Docketing Statement.	17-08636
03/31/2017	Settlement Program Report	Filed Final Report/No Settlement. The parties were unable to agree to a settlement of this matter.	17-10834
06/21/2017	Order/Procedural	Filed Order Consolidating Appeals, Directing Appellants to Show Cause, and Denying Motion for Stay. We consolidate these appeals for all appellate purposes. Appellants shall have 30 days from the date of this order within which to show cause why the appeal in Docket No. 72455 should not be dismissed for lack of jurisdiction. Respondents may file any reply within ten days from the date that appellants' response is served. Appellants have filed a motion to stay enforcement of the order appealed from in Docket No. 72455 pending resolution of that appeal. Respondents oppose the motion. Appellants have filed a reply. Having considered the motion, opposition, and reply, we conclude that appellants have failed to demonstrate that a stay is warranted at this time, and we therefore deny the stay. fn2(No good cause appearing, appellants' motion to direct the district court clerk to transmit the video recording of the January 31, 2017, hearing is denied without prejudice to appellants' right to refile it if the issue becomes significant to the issues on appeal.) Nos. 72410/72455.	17-20636
07/07/2017	Motion	Filed Appellants' Show Cause as to Why Appeal, Docket 72455 Should Not Be Dismissed. Nos. 72410/72455.	17-22555
07/24/2017	Motion	Filed Respondents Reply to Appellant's Show Cause Statement and In Support of Order to Show Cause and Dismissal of Case No. 72455. Nos. 72410/72455.	17-24357
08/24/2017	Other	Justice James W. Hardesty disqualified from participation in this matter. Disqualification Reason: Parties.	
08/24/2017	Other	Justice Ron Parraguire disqualified from participation in this matter. Disqualification Reason: Voluntary Recusal.	
11/09/2017	Other	Chief Justice Michael A. Cherry disqualified from participation in this matter. Disqualification Reason: Parties	
11/09/2017	Other	Justice Michael L. Douglas disqualified from participation in this matter. Disqualification Reason: Parties	
11/09/2017	Other	Justice Mark Gibbons disqualified from participation in this matter. Disqualification Reason: Parties	
11/09/2017	Other	Justice Kristina Pickering disqualified from participation in this matter. Disqualification Reason: Parties	
12/08/2017	Order/Procedural	Filed Order Recalling Disqualifications. On November 9, 2017, a notice was entered disqualifying Justice Michael Douglas and Justice Mark Gibbons from participating in this matter. Further review has revealed that those disqualifications were inadvertently entered. Accordingly, the disqualifications entered for Justice Douglas and Justice Gibbons are hereby recalled and they will participate in this matter. Nos. 72410/72455.	17-42022
12/08/2017	Other	Chief Justice Michael A. Cherry disqualified from participation in this matter. Disqualification Reason: Parties	

12/22/2017	Order/Procedural	Filed Order Dismissing Appeal in Part and Reinstating Briefing. We dismiss the appeal in Docket No. 72455 as to the order entered November 30, 2016. The consolidated appeals shall proceed from the order entered January 31, 2017, order granting respondents' motion for attorney fees and costs. Transcript Request Form due: 15 days. Opening Brief and Appendix due: 90 days. Nos. 72410/72455.	17-44203
12/27/2017	Transcript Request	Filed Certificate of No Transcript Request. Nos. 72410/72455.	17-44674
01/10/2018	Motion	Filed Respondents' Motion for Clarification of Order Filed December 22, 2017. Nos. 72410/72455.	18-01332
01/16/2018	Motion	Filed Appellants' Response to Respondents' Motion for Clarification of Order. Nos. 72410/72455.	18-02043
01/23/2018	Motion	Filed Respondents' Reply in Support of Respondents, Fore Stars, Ltd., 180 Land Co., LLC, Seventy Acres LLC, EMB Companies, LLC, Yohan Lewie, Vickie Dehart; and Frank Pankratz's Motion for Clarification of Order Filed December 22, 2017. Nos. 72410/72455.	18-03069
02/01/2018	Order/Procedural	Filed Order Denying Motion. We conclude that respondents' proposed clarifications are closely related to or intertwined with the substantive merits of the appeal and are therefore not a proper basis for resolution at this point in the proceedings. Accordingly, we deny the motion for clarification. Nos. 72410/72455.	18-04372
02/16/2018	Brief	Filed Appellant's Opening Brief. Nos. 72410/72455	18-06453
02/16/2018	Appendix	Filed Appendix to Opening Brief, Vol. 1. Nos. 72410/72455	18-06488
02/16/2018	Appendix	Filed Appendix to Opening Brief, Vol. 2. Nos. 72410/72455	18-06489
02/16/2018	Appendix	Filed Appendix to Opening Brief, Vol. 2 (cont...). Nos. 72410/72455	18-06490
02/16/2018	Appendix	Filed Appendix to Opening Brief, Vol. 3. Nos. 72410/72455	18-06491
02/16/2018	Appendix	Filed Appendix to Opening Brief, Vol. 4. Nos. 72410/72455	18-06492
03/19/2018	Motion	Filed Respondents' Motion For Extension Of Time To File Respondents' Answering Brief And Appendix. Nos. 72410/72455.	18-10514
03/19/2018	Notice/Outgoing	Issued Notice Motion/Stipulation Approved. Respondents' Answering Brief due: April 18, 2018. Nos. 72410/72455.	18-10516
04/19/2018	Notice/Outgoing	Issued Notice of Deficient Brief. Corrected Answering Brief due: 5 days. Nos. 72410/72455.	18-15082
04/19/2018	Appendix	Filed Respondents' Appendix - Master Index. Nos. 72410/72455.	18-15077
04/19/2018	Appendix	Filed Respondents' Appendix Volume 1. Nos. 72410/72455.	18-15078
04/19/2018	Appendix	Filed Respondents' Appendix Volume 2 Part 1. Nos. 72410/72455.	18-15080
04/19/2018	Appendix	Filed Respondents' Appendix Volume 2 Part 2. Nos. 72410/72455.	18-15143
04/19/2018	Appendix	Filed Respondents' Appendix Volume 3. Nos. 72410/72455.	18-15144
04/19/2018	Appendix	Filed Respondents' Appendix Volume 4 Part 1. Nos. 72410/72455.	18-15146
04/19/2018	Appendix	Filed Respondents' Appendix Volume 4 Part 2. Nos. 72410/72455.	18-15151
04/19/2018	Appendix	Filed Respondents' Appendix Volume 5. Nos. 72410/72455.	18-15152
04/19/2018	Appendix	Filed Respondents' Appendix Volume 6. Nos. 72410/72455.	18-15154

04/19/2018	Appendix	Filed Respondents' Appendix Volume 7. Nos. 72410/72455.	18-15155
04/19/2018	Appendix	Filed Respondents' Appendix Volume 8. Nos. 72410/72455.	18-15156
04/19/2018	Appendix	Filed Respondents' Appendix Volume 9 Part 1. Nos. 72410/72455.	18-15157
04/19/2018	Appendix	Filed Respondents' Appendix Volume 9 Part 2. Nos. 72410/72455.	18-15158
04/19/2018	Appendix	Filed Respondents' Appendix Volume 10. Nos. 72410/72455.	18-15159
04/19/2018	Appendix	Filed Respondents' Appendix Volume 11. Nos. 72410/72455.	18-15160
04/19/2018	Appendix	Filed Respondents' Appendix Volume 12. Nos. 72410/72455.	18-15161
04/19/2018	Appendix	Filed Respondents' Appendix Volume 13. Nos. 72410/72455.	18-15162
04/23/2018	Brief	Filed Respondents' Answering Brief. Nos. 72410/72455.	18-15384
04/27/2018	Brief	Filed Appellant's Reply Brief. Nos. 72410/72455.	18-16150
04/27/2018	Case Status Update	Briefing Completed/To Screening. Nos. 72410/72455.	
05/17/2018	Motion	Filed Respondents' Motion for Leave to File Reply Brief. Nos. 72410/72455.	18-18934
05/18/2018	Motion	Filed Appellants' Opposition to Motion for Leave to File Reply Brief. Nos. 72410/72455.	18-19127
05/23/2018	Order/Procedural	Filed Order Denying Motion. The clerk of this court shall return, unfiled, the sur-reply received on May 17, 2018. Nos. 72410/72455.	18-19763
06/07/2018	Notice/Outgoing	Issued Notice of Transfer Case to Court of Appeals. Nos. 72410/72455	18-21708