

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 78792

CITY OF LAS VEGAS, a political subdivision of the State of Nevada,

Petitioner

v.

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for
the County of Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents

and

180 LAND CO, LLC, a Nevada limited-liability company,

Real Party in Interest

District Court Case No.: A-17-758528-J
Eighth Judicial District Court of Nevada

**NOTICE THAT EMERGENCY STAY RELIEF
NEEDED BY MAY 24, 2019**

<p>McDONALD CARANO LLP George F. Ogilvie III (#3552) Debbie Leonard (#8260) Amanda C. Yen (#9726) Christopher Molina (#14092) 2300 W. Sahara Ave, Suite 1200 Las Vegas, NV 89102 Phone: 702.873.4100 Fax: 702.873.9966 gogilvie@mcdonaldcarano.com dleonard@mcdonaldcarano.com ayen@mcdonaldcarano.com cmolina@mcdonaldcarano.com</p>	<p>LAS VEGAS CITY ATTORNEY'S OFFICE Bradford R. Jerbic (#1056) Philip R. Byrnes (#166) Seth T. Floyd (#11959) 495 S. Main Street, 6th Floor Las Vegas, NV 89101 Phone: 702.229.6629 Fax: 702.386.1749 bjerbic@lasvegasnevada.gov pbyrnes@lasvegasnevada.gov sfloyd@lasvegasnevada.gov</p>
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Attorneys for Petitioner

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May 23 2019 11:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

On May 17, 2019, the City of Las Vegas filed its Writ Petition and Emergency Motion to Stay the district court proceedings and notified the Court that immediate relief was necessary. As of the time of this filing, the Court has not acted on the City's motion. The City hereby supplements its Emergency Motion to inform the Court that relief is needed by May 24, 2019 because:

- (1) The City's responses to the Developer's written discovery requests were due May 15, 2019, and the Developer has not responded to the City's request for an extension of time. The Developer's discovery requests are voluminous and are demanding the time and resources of numerous City personnel to the detriment of their regular duties. If the City is required to continue this exercise, despite the presence of a dispositive threshold legal issue that requires dismissal, the City will incur substantial unnecessary cost, at the public's expense. The public interest and judicial economy would be better served if the Court would resolve the questions presented in the Writ Petition before further discovery occurs.
- (2) The City's answer to the Developer's amended complaint is due May 29, 2019. Because that complaint constitutes improper claim splitting by which the Developer is shopping its claims to the most receptive judge, the City is forced to defend duplicative claims and is subject to potentially conflicting decisions.
- (3) The Las Vegas Planning Commission is scheduled to meet on May 28, 2019 and there are forty discretionary land use applications on the agenda. Because of

Judge Williams' decision to deny the City's motion for judgment on the pleadings and allow the Developer's inverse condemnation claims to proceed in the absence of vested rights, the planning commissioners could be chilled from exercising their discretion to deny those applications, if appropriate.

For these reasons and those stated in the Motion, Reply and the Writ Petition, the City submits that a stay is warranted.

DATED this 23rd day of May, 2019.

McDONALD CARANO LLP

BY: /s/ Debbie Leonard

George F. Ogilvie III (#3552)

Debbie Leonard (#8260)

Amanda C. Yen (#9726)

Christopher Molina (#14092)

2300 W. Sahara Ave, Suite 1200

Las Vegas, NV 89102

gogilvie@mcdonaldcarano.com

dleonard@mcdonaldcarano.com

ayen@mcdonaldcarano.com

cmolina@mcdonaldcarano.com

LAS VEGAS CITY ATTORNEY'S
OFFICE

Bradford R. Jerbic (NV Bar #1056)

Philip R. Byrnes (NV Bar #166)

Seth T. Floyd (NV Bar #11959)

495 S. Main Street, 6th Floor

Las Vegas, NV 89101

Attorneys for Petitioner City of Las Vegas

**SUPPLEMENTAL NRAP 27(e) CERTIFICATE and
DECLARATION OF DEBBIE LEONARD**

I, Debbie Leonard, do hereby swear under penalty of perjury that the assertions of this declaration are true and correct.

1. I am over the age of eighteen (18) years. I have personal knowledge of the facts stated within this declaration. If called as a witness, I would be competent to testify to these facts.

2. I am a partner with the law firm of McDonald Carano LLP, which represents the City of Las Vegas in the above-titled matter and am licensed to practice in the State of Nevada and in front of this Court.

3. This declaration is offered in support of the City's Notice That Emergency Stay Relief Needed By May 24, 2019.

4. The facts stated in the Notice are true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: May 23, 2019.

/s/ Debbie Leonard
Debbie Leonard (#8260)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano, LLP, and that on this 23rd day of May, 2019, a copy of the foregoing **NOTICE THAT EMERGENCY STAY RELIEF NEEDED BY MAY 24, 2019** was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (E-Flex). Participants in the case who are registered with E-Flex as users will be served by the EFlex system and others not registered will be served via U.S. mail as follows:

The Honorable Timothy C. Williams
District Court Department XVI
Regional Justice Center
200 Lewis Avenue,
Las Vegas, Nevada 89155
dept16lc@clarkcountycourts.us
Respondent

PISANELLI BICE
Todd L. Bice (4534)
Dustun H. Holmes (12776)
400 S. Seventh St., Suite 300
Las Vegas NV 89101
tlb@pisanellibice.com
Attorneys for Intervenors

KAEMPFER CROWELL
Christopher L. Kaempfer (1264)
Stephanie H. Allen (8486)
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
ckaempfer@kcnvlaw.com
sallen@kcnvlaw.com
Attorneys for Real Party in Interest
180 Land Company, LLC

LAW OFFICES OF KERMITT L.
WATERS
Kermitt L. Waters, Esq., Bar No. 2571
kermitt@kermittwaters.com
James J. Leavitt, Esq., Bar No. 6032
jim@kermittwaters.com
Michael A. Schneider, Esq., Bar No. 8887
michael@kermittwaters.com
Autumn L. Waters, Esq., Bar No. 8917
autumn@kermittwaters.com
Michael K. Wall, Esq., Bar No. 2098
mwall@kermittwaters.com
704 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Real Party in Interest
180 Land Company, LLC

HUTCHISON & STEFFEN, PLLC
Mark A. Hutchison (4639)
Joseph S. Kistler (3458)
Matthew K. Schriever (10745)
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
mhutchison@hutchlegal.com
jkistler@hutchlegal.com
mschriever@hutchlegal.com
Attorneys for Real Party in Interest
180 Land Company, LLC

/s/ Pamela Miller
An employee of McDonald Carano, LLP