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*Attorneys for Eldorado Hills, LLC*

Electronically Filed  
Aug 12 2019 02:45 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANYAH VEGAS, LLC, A Nevada  
limited liability company,

Petitioner,

v.

CLARK COUNTY DISTRICT  
COURT, THE HONORABLE  
NANCY ALLF, DEPARTMENT 27,

Respondent,

SIG ROGICH aka SIGMUND  
ROGICH as Trustee of The Rogich  
Family Irrevocable Trust;  
ELDORADO HILLS, LLC, a Nevada  
Limited liability company; TELD,  
LLC, a Nevada limited liability  
company; PETER ELIADES,  
individually and as Trustee of the  
Eliades Survivor Trust of 10/30/08;  
IMITATIONS, LLC, a Nevada  
limited liability company; DOES I-X;  
and/or ROE CORPORATIONS I-X,  
inclusive,

Supreme Court No. 79072

District Court No. A-13-686303-C  
Dept. No.: XXVII

Consolidated with:

District Court No. A-16-746239-C

**ELDORADO HILLS, LLC'S  
RESPONSE TO DEFENDANTS'  
EMERGENCY MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWERING BRIEF AND  
COUNTER-REQUEST FOR  
AFFIRMATIVE RELIEF**

Real Parties in  
Interest.

**ELDORADO HILLS, LLC’S RESPONSE TO  
DEFENDANTS’ EMERGENCY MOTION FOR EXTENSION  
OF TIME TO FILE ANSWERING BRIEF AND  
COUNTER-REQUEST FOR AFFIRMATIVE RELIEF**

Pursuant to N.R.A.P. 27(a)(3), Real Party in Interest Eldorado Hills, LLC (“Eldorado”) responds to The Rogich Family Irrevocable Trust’s (the “Rogich Trust”) Motion for Extension of Time to File Answering Brief (the “Motion”). Further, Eldorado requests that it be permitted to file its Answer—if one is necessary—to Nanyah Vegas, LLC’s (“Nanyah”) Petition for Writ of Mandamus, or in the Alternative, Prohibition (the “Writ Petition”) ten calendar days following the Rogich Trust’s Response to the Writ Petition.<sup>1</sup>

DATED this 12<sup>th</sup> day of August, 2019.

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy  
DENNIS L. KENNEDY  
JOSEPH A. LIEBMAN

*Attorneys for Eldorado Hills, LLC*

<sup>1</sup> Eldorado requested that Nanyah stipulate to such an extension, and Nanyah declined. (July 29, 2019 e-mail correspondence, attached as Exhibit 1.)

**MEMORANDUM OF POINTS AND AUTHORITIES**

Nanyah’s Writ Petition is entirely premised on a legal dispute between Nanyah and the Rogich Trust regarding the requirements of NRS 163.120. Although Eldorado is a party to the same consolidated action as the Rogich Trust, the Writ Petition and its outcome should not affect Eldorado. Regardless, Nanyah has named Eldorado as a Real Party in Interest.<sup>2</sup> As a result, when this Court issued its Order Directing Answer, it directed all of the Real Parties in Interest to file an Answer.

Eldorado does not currently intend to file an Answer because the requirements of NRS 163.120 only apply to Nanyah and the Rogich Trust. However, to the extent that Eldorado determines that something in Nanyah’s Writ Petition or the Rogich Trust’s Answer affects Eldorado in some respect and needs to be addressed, Eldorado would like the opportunity to respond. But it cannot informatively do so until it reviews the Rogich Trust’s Answer. Eldorado agrees with and consents to the Rogich Trust’s request for an

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<sup>2</sup> Teld, LLC and Peter Eliades, individually and as Trustee of the Eliades Survivor Trust of 10/30/08 (the “Eliades Defendants”), were also listed as Real Parties in Interest. However, as recognized in Nanyah’s Writ Petition, the Eliades Defendants were dismissed from this action via summary judgment on October 5, 2018. Thus, the Eliades Defendants are no longer parties and will not be filing an Answer to the Writ Petition.

1 extension. Pursuant to NRAP 26(b)(1), Eldorado also requests an extension to  
2 file its Answer—to the extent one is necessary—until ten days after the  
3 Rogich Trust’s Answer so that Eldorado may review the Rogich Trust’s  
4 Answer before determining whether or not it needs to file an Answer. Based  
5 on the Rogich Trust’s Motion, Eldorado’s deadline would be October 11,  
6 2019.

7 DATED this 12<sup>th</sup> day of August, 2019.

8 BAILEY ♦ KENNEDY

9 By: /s/ Dennis L. Kennedy  
DENNIS L. KENNEDY  
JOSEPH A. LIEBMAN

10 *Attorneys for Eldorado Hills, LLC*  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY❖KENNEDY and that on the 12<sup>th</sup> day of August, 2019, service of the foregoing **ELDORADO HILLS, LLC'S RESPONSE TO DEFENDANTS' EMERGENCY MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF AND COUNTER-REQUEST FOR AFFIRMATIVE RELIEF** was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

MARK G. SIMONS, ESQ. <b>SIMONS HALL JOHNSTON PC</b> 6490 S. McCarran Blvd., Suite F-46 Reno, NV 89509	Email: msimons@shjnevada.com  <i>Attorneys for Plaintiff</i> NANYAH VEGAS, LLC
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SAMUEL S. LIONEL, ESQ. BRENOCH WIRTHLIN, ESQ. <b>FENNEMORE CRAIG, P.C.</b> 300 S. Fourth Street, Suite 1400 Las Vegas, NV 89101	Email: slionel@fclaw.com bwirthlin@fclaw.com  <i>Attorneys for Defendant</i> SIG ROGICH aka SIGMUND ROGICH, Individually and as Trustee of THE ROGICH FAMILY IRREVOCABLE TRUST, and IMITATIONS, LLC
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VIA US MAIL:  
Honorable Nancy L. Allf  
Eighth Judicial District Court  
Dept. 27  
200 Lewis Avenue  
Las Vegas, NV 89101

/s/ Stephanie Kishi  
Stephanie Kishi, an Employee of  
Bailey ♦ Kennedy

**EXHIBIT 1**

**EXHIBIT 1**

## Joseph Liebman

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**From:** Mark Simons <msimons@shjnevada.com>  
**Sent:** Monday, July 29, 2019 9:36 AM  
**To:** Joseph Liebman; WIRTHLIN, BRENOCH  
**Cc:** Sharon Murnane; Jodi Alhasan  
**Subject:** RE: Writ Petition

Joe.

The Supreme Court Clerk required we identify all parties in the caption as real parties in interest.

We actually explained the situation and they said that was the rule.

As to your request, I do not feel comfortable attempting to stip around the SCT's Order.

Mark

Mark G. Simons

*Partner*

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**From:** Joseph Liebman <JLiebman@baileykennedy.com>  
**Sent:** Monday, July 29, 2019 9:33 AM  
**To:** WIRTHLIN, BRENOCH <BWIRTHLIN@fclaw.com>; Mark Simons <msimons@shjnevada.com>  
**Cc:** Sharon Murnane <SMurnane@baileykennedy.com>; Jodi Alhasan <jalhasan@shjnevada.com>  
**Subject:** Writ Petition

Brenoch and Mark:

In the Supreme Court's Order Directing Answer, it directed all the Real Parties in Interest to file a response. Eldorado Hills is listed as a Real Party in Interest in the caption (as are the Eliades Defendants even though they have been dismissed). As you would likely agree, this issue before the Supreme Court is between your clients, and doesn't directly involve Eldorado Hills. That being said, I do want to comply with the Order. Our current intention is to file a short response explaining why this issue does not involve Eldorado Hills. However, I would like to see Rogich's Response first to determine how in depth my explanation needs to be. Do you two have any objection to a stipulation where Eldorado Hills' response would not be due until 7 days after Rogich's?

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