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Elizabeth A. Brown
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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 (SECOND
REQUEST) AND COUNTER-
REQUEST FOR AFFIRMATIVE
RELIEF**

Real Parties in
Interest.

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 (Second Request) (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.¹

DATED this 16th day of September, 2019.

BAILEY ♦ KENNEDY

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

Attorneys for Eldorado Hills, LLC

¹ Eldorado requested similar relief in response to the Rogich Trust’s First Request for an Extension of Time to File Answering Brief. (*See* Eldorado Hills, LLC’s Response to Defendants’ Emergency Mot. for Ext. of Time to File Answering Brief and Counter-Request for Affirmative Relief, filed Aug. 12, 2019). Although this Court granted the Rogich Trust’s request for an extension, it has not yet issued a ruling on Eldorado’s Counter-Request. A ruling on this Counter-Request should moot Eldorado’s prior Counter-Request.

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.² 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

² 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. It makes sense to delay briefing on the Writ Petition pending the
2 trial court's decision on the pending Motions, as these decisions may moot the
3 Writ Petition by providing Nanyah with a direct right of appeal. Thus,
4 pursuant to NRAP 26(b)(1), Eldorado also requests an extension to file its
5 Answer—to the extent one is necessary—until ten days after the Rogich
6 Trust's Answer so that Eldorado may review the Rogich Trust's Answer
7 before determining whether or not it needs to file an Answer. Based on the
8 Rogich Trust's Motion, Eldorado's deadline would be November 11, 2019.

9 DATED this 16th day of September, 2019.

10 BAILEY ♦ KENNEDY

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

12 *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 16th day of September, 2019, service of the foregoing **ELDORADO HILLS, LLC'S RESPONSE TO DEFENDANTS' EMERGENCY MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF (SECOND REQUEST) 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:

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of THE ROGICH FAMILY
IRREVOCABLE TRUST, and
IMITATIONS, LLC

1 VIA US MAIL:
2 Honorable Nancy L. Allf
3 Eighth Judicial District Court
4 Dept. 27
5 200 Lewis Avenue
6 Las Vegas, NV 89101

7 /s/ Sharon L. Murnane
8 Sharon L. Murnane, an Employee of
9 Bailey ♦ Kennedy
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