

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID J. MITCHELL; BARNET
LIBERMAN; BARNET LIBERMAN;
LAS VEGAS LAND PARTNERS,
LLC; MEYER PROPERTY LTD.;
ZOE PROPERTY, LLC; LEAH
PROPERTY, LLC; WINK ONE, LLC;
AQUARIUS OWNER, LLC; LVLP
HOLDINGS, LC; LIBERMAN
HOLDINGS, LLC; LIVE WORKS
TIC SUCCESSOR, LLC; AND
CASINO COOLIDGE, LLC,

Appellants,

vs.

RUSSELL L. NYPE, REVENUE
PLUS, LLC, AND SHELLEY D.
KROHN,

Respondents.

Supreme Court No. 80693

Electronically Filed
Feb 03 2021 02:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS' RESPONSE TO FEBRUARY 2, 2021, MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

Respondents Russell L. Nype and Revenue Plus, LLC (collectively the "Nype Parties"), hereby submit this *limited response* to the Motion for Extension of Time To File Opening Brief filed on February 2, 2021 (the "Motion").

On February 2, 2021, H. Stan Johnson, Esq., of Cohen Johnson, LLC ("Cohen Johnson"), filed the Motion seeking a 45-day extension of time for "*Appellants* . . .

to file their opening brief and appendix, which is due February 3, 2021." (Mot. at 1 (emphasis added).)

The Nype Parties are empathetic to, and understanding of, the Covid-19 issues outlined in the Motion. As such, the Nype Parties do not object to the Court granting the Motion on behalf of the appellants that Cohen Johnson has purported to represent *and* whose opening brief and appendix are due on February 3, 2021. The Motion, however, only refers to "Appellants" generally and does not specify which of the appellants the Motion is filed on behalf of. *See id.* at 1-4.

Accordingly, the Nype Parties wish to ensure that the Court is aware that Cohen Johnson *does not* represent appellants Barnet Liberman, Casino Coolidge, LLC (collectively, the "Liberman Appellants"), or Liberman Holdings, LLC.¹ (*See* Ex. 1 at 2 (excerpt of Notice of Appeal filed by Cohen Johnson); Ex. 2 at 1-2 (1/14/21 clarification of Cohen Johnson's representation)²; Ex. 3 at 1-2 (Notice of Appeal filed by Blut Law Group, PC, on behalf of Casino Coolidge LLC, and Barnet Liberman). Moreover, the Liberman Appellants' opening brief and appendix *is not*

¹ As discussed in the Nype Parties' January 29, 2021, Notice of Clarification, Liberman Holdings, LLC, is not a proper appellant in this case because it was *dismissed* from the underlying district-court proceeding more than a year before the case even went to trial.

² Accordingly, Cohen Johnson only purports to represent David J. Mitchell, Las Vegas Land Partners, LLC, Meyer Property Ltd., Zoe Property, LLC, Leah Property, LLC, Wink One, LLC, Aquarius Owner, LLC, LVLP Holdings, LLC, and Live Works Tic Successor, LLC (collectively, the so-called "Mitchell Appellants").

due on February 3, 2021. Rather, their brief is long-since past due. *See* Ex. 4 (January 7, 2021, Order noting the Liberman Appellants' failure to file an opening brief by the original January 3, 2021, deadline, providing them an additional 14 days—to January 21, 2021—to do so and warning that "[f]ailure to timely file the briefs may result in . . . dismissal of the appeal".)

Accordingly, while the Nype Parties do not oppose the requested extension of time for the *Mitchell Appellants* to file their opening brief and appendix, they object to and oppose any further extension for the *Liberman Appellants*—*who still have not filed their opening brief or appendix*. Even if the Motion was actually intended to be filed on behalf of the Liberman Appellants, the Motion was not filed before the due date of the Liberman Appellants' brief—January 3rd or January 21st, 2021. *See* NRAP 31(b)(3) ("A motion for extension of time for filing a brief may be made *no later than the due date for the brief*[" (emphasis added)). The Motion also fails to provide any cause at all—let alone the good cause required by NRAP 26(b)(1)—for an extension on their behalf. The Motion does not even discuss the Liberman Appellants or explain why they failed to timely file their brief and appendix on January 3, 2021, or by January 21, 2021, when the Court gave them an additional 14 days after their original failure.

///

///

Accordingly, the Court may grant the Motion on behalf of the Mitchell Appellants, but should deny the Motion as to the Liberman Defendants (to the extent that the Motion was even filed on their behalf).

DATED this 3rd day of February, 2021.

JOHN W. MUIJE & ASSOCIATES

By: /s/ John W. Muije, Esq.
JOHN W. MUIJE, ESQ.
Nevada Bar No: 2419
1840 East Sahara Avenue, Suite 106
Las Vegas, NV 89104
Telephone No: (702) 386-7002
Facsimile No: (702) 386-9135
Email: Jmuije@mujelawoffice.com
Attorneys for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing
RESPONDENTS' RESPONSE TO FEBRUARY 2, 2021 MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF, with the Nevada Supreme
Court on the 3rd day of February, 2021. Electronic service of the foregoing
document shall be made in accordance with the Master Service list as follows:

H. Stan Johnson, Esq.
Nevada Bar No. 00265
COHEN JOHNSON
375 E. Warm Springs Rd., Ste 104
Las Vegas, Nevada 89119
E-Mail: sjohnson@cohenjohnson.com
*Attorneys for Appellants David J.
Mitchell, Las Vegas Land Partners,
LLC, Meyer Property, Ltd., Zoe
Property, LLC, Leah Property. LLC,
Wink One, LLC, Aquarius Owner, LLC,
LVLP Holdings, LLC, and Live Works
Tic Successor, LLC*

Elliot S. Blut, Esq.
BLUT LAW GROUP, LLC
300 So. Fourth Street, Ste 701
Las Vegas, Nevada 89101
E-Mail: eblut@blutlaw.com
*Attorneys for Appellants
BARNET LIBERMAN and
CASINO COOLIDGE, LLC*



An employee of John W. Muije & Associates

EXHIBIT 1



NOA
COHEN|JOHNSON|PARKER|EDWARDS
H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
sjohnson@cohenjohnson.com
JAMES L. EDWARDS, ESQ.
Nevada Bar No. 4256
jedwards@parkeredwardslaw.com
KEVIN M. JOHNSON, ESQ.
Nevada Bar No. 14551
kjohnson@cohenjohnson.com
375 E. Warm Springs Road, Suite 104
Las Vegas, Nevada 89119
Telephone: (702) 823-3500
Facsimile: (702) 823-3400
Attorneys for Mitchell Defendants

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

RUSSELL L. NYPE; REVENUE PLUS, LLC,
DOES I through X; DOE CORPORATIONS I
through X; and DOE PARTNERSHIPS I
through X;

Plaintiffs,

vs.

DAVID J. MITCHELL; BARNET
LIBERMAN; LAS VEGAS LAND
PARTNERS, LLC; MEYER PROPERTY
LTD.; ZOE PROPERTY, LLC; LEAH
PROPERTY, LLC; WINK ONE, LLC;
AQUARIUS OWNER, LLC; LVLP
HOLDINGS, LLC; MITCHELL HOLDINGS,
LLC; LIBERMAN HOLDINGS, LLC; 305
LAS VEGAS, LLC; LIVE WORKS TIC
SUCCESSOR, LLC; CASINO COOLIDGE
LLC; DOES I THROUGH III, inclusive; and
ROE CORPORATIONS I THROUGH III,
inclusive,

Defendants

Case No.: A-16-740689-B
Dept. No.: XI

NOTICE OF APPEAL

1 Notice is hereby given that Defendants DAVID J. MITCHELL, LAS VEGAS LAND
2 PARTNERS, LLC, MEYER PROPERTY LTD, ZOE PROPERTY, LLC, LEAH PROPERTY,
3 LLC, WINK ONE, LLC, AQUARIUS OWNER, LLC, LVLP HOLDINGS, LLC, LIBERMAN
4 HOLDINGS, LLC, and LIVE WORKS TIC SUCCESSOR, LLC, by and through their counsel,
5 H. Stan Johnson, Esq., of the law firm of Cohen|Johnson|Parker|Edwards, hereby appeals to the
6 Supreme Court of Nevada from the following:

- 7 1. "Amended Findings of Fact and Conclusions of Law" filed on January 17th, 2020,
8 with notice of entry of which was served electronically on January 17th, 2020, as well as
9 any and all orders, decisions, judgments, findings, conclusions and, or recommendations
10 relating thereto. *Attached as Exhibit A.*
- 11 2. All judgments and orders in this case; and
- 12 3. All rulings and interlocutory orders made appealable by any of the foregoing.

13 Dated this 26th of February 2020.

14
15 COHEN|JOHNSON|PARKER|EDWARDS

16 /s/ H. Stan Johnson

17 H. STAN JOHNSON, ESQ.

18 Nevada Bar No. 00265

19 sjohnson@cohenjohnson.com

20 JAMES L. EDWARDS, ESQ.

21 Nevada Bar No. 4256

22 jedwards@parkeredwardslaw.com

23 KEVIN M. JOHNSON, ESQ.

24 Nevada Bar No. 14551

25 kjohnson@cohenjohnson.com

26 375 E. Warm Springs Road, Suite 104

27 Las Vegas, Nevada 89119

28 Telephone: (702) 823-3500

Facsimile: (702) 823-3400

Attorneys for Mitchell Defendants

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I hereby certify that on the 26th day of February 2020, I caused a true and correct copy of **NOTICE OF APPEAL** to be served via the Court's Wiznet E-Filing system on all registered and active parties.

/s/ Sarah Gondek

AN EMPLOYEE OF COHEN|JOHNSON|PARKER|EDWARDS

EXHIBIT 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 80693

Electronically Filed
Jan 14 2021 05:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DAVID J. MITCHELL; BARNET
LIBERMAN; LAS VEGAS LAND
PARTNERS, LLC; MEYER
PROPERTY LTD.; ZOE PROPERTY,
LLC; LEAH PROPERTY, LLC;
WINK ONE, LLC; AQUARIUS
OWNER, LLC; LVLP HOLDINGS,
LLC; LIBERMAN HOLDINGS, LLC;
LIVE WORKS TIC SUCCESSOR,
LLC; AND CASINO COOLIDGE,
LLC,

Appellants,

vs.

RUSSELL L. NYPE; REVENUE
PLUS,) LLC; AND SHELLEY D.
KROHN,

Respondents.

District Court No. A-16-740689-B

CLARIFICATION PURSUANT TO JANUARY 7, 2021

ORDER OF THIS COURT

COMES NOW H. STAN JOHNSON, ESQ., and, pursuant to the
footnote contained in this Court's Order dated January 7, 2021, Counsel
hereby states that the Cohen-Johnson does not represent Liberman

Holdings, LLC, in this appeal. The inclusion of Liberman Holdings, LLC, in the Mitchell appeal documents was a clerical error.

Dated: January 14, 2021

COHEN JOHNSON

By: /s/ H. Stan Johnson
H. STAN JOHNSON, ESQ.
Nevada Bar No.: 00265
sjohnson@cohenjohnson.com
375 E. Warm Springs Rd., Suite 104
Las Vegas, Nevada 89119
*Attorney for Petitioners David J.
Mitchell, Las Vegas Land Partners,
LLC, Meyer Property, Ltd., Zoe
Property, LLC, Leah Property, LLC,
Wink One, LLC, Aquarius Owner,
LLC, LVLP Holdings, LLC, and Live
Works Tic Successor, LLC*

EXHIBIT 3



ELLIOT S. BLUT, ESQ.
Nevada State Bar No. 6570
BLUT LAW GROUP, PC
300 South Fourth Street, Suite 701
Las Vegas, Nevada 89101
Telephone: (702) 384-1050 / Facsimile: (702) 384-8565
E-mail: eblut@blutlaw.com

Attorneys for Defendants,
BARNET LIBERMAN and CASINO COOLIDGE LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

RUSSELL L. NYPE; REVENUE PLUS, LLC,
DOES I through X; DOES I through X; DOE
CORPORATIONS I through X; and DOES
PARTNERSHIPS I through X,

Plaintiffs,

vs.

DAVID J. MITCHELL; BARNET LIBERMAN;
LAS VEGAS LAND PARTNERS, LLC; MEYER
PROPERTY, LTD.; ZOE PROPERTY, LLC;
LEAH PROPERTY, LLC; WINK ONE, LLC; LIVE
WORK, LLC; LIVE WORK MANAGER, LLC;
AQUARIUS OWNER, LLC; LVLP HOLDINGS,
LLC; MITCHELL HOLDINGS, LLC; LIBERMAN
HOLDINGS, LLC; 305 LAS VEGAS LLC; LIVE
WORKS TIC SUCCESSOR, LLC; CASINO
COOLIDGE LLC; DOES I through III, and ROE
CORPORATIONS I through III, inclusive,

Defendants.

Case No. A-16-740689-B

Dept. No. 11

**DEFENDANTS CASINO COOLIDGE
LLC AND BARNET LIBERMAN'S
NOTICE OF APPEAL**

COMES NOW, Defendants *CASINO COOLIDGE LLC*, and *Barnet Liberman*, by and
through its attorney of record, ELLIOT S. BLUT, ESQ. of BLUT LAW GROUP, PC, and hereby
appeals from the following orders, judgment and decrees of the Eighth Judicial District Court to the
Nevada Supreme Court as follows:

1. Order, Findings of Fact and Conclusions of Law entered on January 16, 2020 and awarding Plaintiff judgment against these Defendants and others for \$19,641,515.90;
2. Order, Findings of Fact and Conclusions of Law entered on January 16, 2020 for \$4,835,111.37;
3. Order, Findings of Fact and Conclusions of Law entered on January 16, 2020 on the alter ego claim in the amount of the underlying judgment in A5510373.
4. Amended Order, Findings of Fact and Conclusions of Law entered on January 17, 2020 for \$19,641,515.90;
5. Amended Order, Findings of Fact and Conclusions of Law entered on January 17, 2020 for \$4,835,111.37;
6. Amended Order, Findings of Fact and Conclusions of Law entered on January 17, 2020 on the alter ego claim in the amount of the underlying judgment in A5510373.

DATED this 25th day of February 2020

BLUT LAW GROUP, PC

By: /s/ Elliot S. Blut
Elliot S. Blut, Esq.
Nevada Bar No. 6570
300 South Fourth Street, Suite 701
Las Vegas, NV 89101
*Attorney for Defendants Barnet
Liberman and Casino Coolidge LLC*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of BLUT LAW GROUP, PC, and that on **February 25, 2020**, I caused a correct copy of the foregoing document entitled NOTICE OF APPEAL to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which First Class postage was prepaid: and/or
- ☐ pursuant to NRCP (5)(b)(2)(D) to be served via facsimile; and/or
- ☐ pursuant to EDCR 7.26, to be sent via email; and/or
- ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or
- ☐ to be hand-delivered,

to the attorneys / interested parties listed below at the address and/or facsimile number indicated below:

John W. Muije, Esq. JOHN W. MUIJE & ASSOCIATES 1840 E. Sahara Ave #106 Las Vegas, NV 89104 <i>Attorneys for Plaintiffs</i>	Brian B. Boschee, Esq. HOLLY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON 400 S. Fourth St., 3 rd Flr. Las Vegas, NV 89101 <i>Attorneys for Defendant 305 Las Vegas, LLC</i>
James L. Edwards, Esq. COHEN JOHNSON PARKER & EDWARDS 375 E. Warm Springs Rd., Suite 104 Las Vegas, NV 89119 <i>Attorneys for Mitchell Defendants</i>	

/s/ Linda Dinerstein
An Employee of Blut Law Group, PC

EXHIBIT 4

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID J. MITCHELL; BARNET
LIBERMAN; LAS VEGAS LAND
PARTNERS, LLC; MEYER PROPERTY
LTD.; ZOE PROPERTY, LLC; LEAH
PROPERTY, LLC; WINK ONE, LLC;
AQUARIUS OWNER, LLC; LVLP
HOLDINGS, LLC; LIBERMAN
HOLDINGS, LLC; LIVE WORKS TIC
SUCCESSOR, LLC; AND CASINO
COOLIDGE, LLC,

Appellants,

vs.

RUSSELL L. NYPE; REVENUE PLUS,
LLC; AND SHELLEY D. KROHN,
Respondents.

No. 80693

FILED

JAN 07 2021

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

ORDER APPROVING STIPULATION AND TO FILE DOCUMENTS

The stipulation between appellants David J. Mitchell; Las Vegas Land Partners, LLC; Meyer Property Ltd.; Zoe Property, LLC; Leah Property, LLC; Wink One, LLC; Aquarius Owner, LLC; LVLP Holdings, LLC; and Live Works Tic Successor, LLC (collectively Mitchell);¹ and respondents extending the time for filing their opening brief is approved as follows. NRAP 31(b)(2). Mitchell shall have until February 3, 2021, to file and serve their opening brief and appendix.

¹The stipulation does not include appellant Liberman Holdings, LLC. However, in the notice of appeal and case appeal statement on file in this court, counsel for Mitchell indicates that he represents Liberman Holdings, LLC. Counsel for Mitchell shall have 7 days from the date of this order to inform this court, in writing, whether he still represents Liberman Holdings, LLC, and whether it was inadvertently omitted from the stipulation for an extension of time.

To date, appellants Barnet Liberman and Casino Coolidge, LLC (collectively Liberman), have not filed an opening brief. Liberman shall have 14 days from the date of this order to file and serve their opening brief and appendix. Failure to timely file the briefs may result in the imposition of sanctions, including dismissal of the appeal. NRAP 31(d). Respondents shall have 30 days from service of the last-filed opening brief to file and serve the answering brief.

It is so ORDERED.

1. J. J. J., C.J.

cc: Blut Law Group, APC
Cohen Johnson Parker Edwards
John W. Muije & Associates