

In the Supreme Court of Nevada

PAUL LAGUDI, an individual; and
WILLIAM TODD PONDER, an individual,

Appellants,

vs.

FRESH MIX, LLC, a Delaware limited
liability company; and GET FRESH
SALES, INC., a Nevada corporation,

Respondents.

Electronically Filed
May 27 2022 04:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONSE TO MOTION TO DISMISS APPEAL

Because respondents concede that the district court has not resolved a timely filed tolling motion, appellants agree that this Court may elect to dismiss the appeal as premature. NRCP 4(a)(6). This Court need not reach respondents' other arguments.

Dated this 27th day of May, 2022.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Abraham G. Smith

MARK J. CONNOT (SBN 10010)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive,
#700
Las Vegas, Nevada 89135
(702) 262-6899

DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Appellants

CERTIFICATE OF SERVICE

I certify that on May 27, 2022, I submitted the foregoing “*Response to Motion to Dismiss*” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

Frank M. Flansburg, III
Adam K. Bult
Eric D. Walther
Travis F. Chance
BROWNSTEIN HYATT
FARBER SCHRECK, LLP
100 North City Parkway, Suite
1600 Las Vegas, NV 89106-4614

*Attorneys for Respondent
Get Fresh Sales, Inc.*

Jason A. Imes
SCHWARTZER & MCPHERSON
LAW FIRM
2850 South Jones Blvd., Suite 1
Las Vegas NV 89146-5308

*Attorneys for Lenard E.
Schwartz, Ch. 7 Trustee for
the bankruptcy estate of Fresh
Mix, LLC*

/s/ Cynthia Kelley
An Employee of Lewis Roca Rothgerber Christie LLP