

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIAMOND NATURAL RESOURCES
PROTECTION & CONSERVATION
ASSOCIATION, et al.,

Appellants,

vs.

TIMOTHY LEE BAILEY;
CONSTANCE MARIE BAILEY; FRED
BAILEY; CAROLYN BAILEY;
SADLER RANCH, LLC; IRA R.
RENNER AND MONTIRA RENNER;
et al.,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81224

**BAILEY RESPONDENTS' NOTICE OF INTENT TO FILE OPPOSITION
TO APPELLANTS' EMERGENCY MOTION UNDER NRAP 27(e)
FOR STAY PENDING APPEAL (Requesting Relief by July 10, 2020)**

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Respondents TIMOTHY LEE BAILEY & CONSTANCE MARIE BAILEY and FRED BAILEY & CAROLYN BAILEY (collectively, the “Baileys” or “Bailey Respondents”), by and through their undersigned counsel of record, hereby file this Notice of their Intent to Oppose DNRPCA Appellants’ Emergency Motion for Stay Pending Appeal.

The Baileys oppose a stay of the district court’s order granting the Baileys’ petition for judicial review because the requested stay would reinstate the illegal Diamond Valley Groundwater Management Plan. As will be shown in the Baileys’ forthcoming opposition to the Motion, and as already determined by the district court in denying the DNRPCA’s motion to stay filed therein, it is the Baileys, and not the Appellants, who will suffer irreparable harm should the Groundwater Management Plan be reinstated for the duration of this appeal.

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DNRPCA Appellants have requested that this Court issue an order on the Emergency Motion by July 10, 2020. The only argument presented in support of *emergency* relief is based on DNRPCA's incorrect assumption that the 30-day automatic stay of enforcement of a judgment pursuant to NRCP 62(a)(1) applies to the district court's order overturning the Groundwater Management Plan. But NRCP 62(a)(1) does not apply to the district court's order, that order went into effect immediately upon its issuance.

The Baileys respectfully suggest that no emergency circumstances exist that require shortening the time for responses to the Motion. The Baileys request that the Court provide reasonable opportunity for the Baileys and other respondents to file oppositions to the Motion, of 7 calendar days, to and including July 14, 2020.

Dated: July 6, 2020

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 6, 2020, a copy of the foregoing
**BAILEY RESPONDENTS' NOTICE OF INTENT TO FILE OPPOSITION
TO APPELLANTS' EMERGENCY MOTION UNDER NRAP 27(e) FOR
STAY PENDING APPEAL** 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.

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