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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA, EX REL.
COMMISSIONER OF INSURANCE,
BARBARA D. RICHARDSON, IN
HER OFFICIAL CAPACITY AS
RECEIVER FOR SPIRIT
COMMERCIAL AUTO RISK
RETENTION GROUP, INC

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK, AND THE
HONORABLE, MARK R. DENTON,
DISTRICT JUDGE, DEPT. 13

Respondents,

And Concerning,

THOMAS MULLIGAN, an individual; CTC
TRANSPORTATION INSURANCE
SERVICES OF MISSOURI, LLC, a Missouri
Limited Liability Company; CTC
TRANSPORTATION INSURANCE

Supreme Court Case No.:

Dist. Ct. Case No.: **A-20-809963-B**

**MOTION FOR
PERMISSION TO FILE A
PETITION FOR WRIT OF
OF MANDAMUS IN
EXCESS OF 7000 WORDS**

SERVICES LLC, a California Limited Liability Company; CTC TRANSPORTATION INSURANCE SERVICES OF HAWAII LLC, Hawaii Limited Liability Company; CRITERION CLAIMS SOLUTIONS OF OMAHA, INC., a Nebraska Corporation; PAVEL KAPELNIKOV, an individual; CHELSEA FINANCIAL GROUP, INC., a California Corporation; CHELSEA FINANCIAL GROUP, INC., a Missouri Corporation; CHELSEA FINANCIAL GROUP, INC., a New Jersey Corporation d/b/a CHELSEA PREMIUM FINANCE CORPORATION; FOURGOREAN CAPITAL, LLC, a New Jersey Limited Liability Company; KAPA MANAGEMENT CONSULTING, INC. a New Jersey Corporation; KAPA VENTURES, INC., a New Jersey Corporation; GLOBAL FORWARDING ENTERPRISES LIMITED LIABILITY COMPANY, a New Jersey Limited Liability Company; NEW TECH CAPITAL, LLC, a Delaware Limited Liability Company; LEXICON INSURANCE MANAGEMENT LLC, a North Carolina Limited Liability Company; ICAP MANAGEMENT SOLUTIONS, LLC, a Vermont Limited Liability Company; SIX ELEVEN LLC, a Missouri Limited Liability Company; 10-4 PREFERRED RISK MANAGERS INC., a Missouri Corporation; IRONJAB LLC, a New Jersey Limited Liability Company; YANINA G. KAPELNIKOV, an individual; IGOR KAPELNIKOV, an individual; QUOTE MY RIG LLC, a New Jersey Limited Liability Company; MATTHEW SIMON, an individual; DANIEL GEORGE, an individual; JOHN MALONEY, an individual; JAMES MARX, an individual; CARLOS TORRES, an individual; VIRGINIA

TORRES, an individual; SCOTT McCRAE, an individual; BRENDA GUFFEY, an individual; and 195 GLUTEN FREE LLC, a New Jersey Limited Liability Company,

Real Parties in Interest,

Pursuant to NRAP 21(d) and NRAP 32(a)(7)(D), Petitioner Barbara Richardson, Nevada Commissioner of Insurance, in her official capacity as Receiver (“Receiver”) for SPIRIT COMMERCIAL AUTO RISK RETENTION GROUP, INC (“SPIRIT”), moves for permission to file a brief in excess of 7,000 words— specifically 9,259 words. This request exceeds NRAP 21(d)'s new 7,000-word limitation, but the Receiver can show diligence and good cause to justify the additional length. This matter involves more than 30 defendants and nineteen causes of action, and presents issues of statewide importance.

The question posed by this Petition is whether the Defendants below (here, the real Parties in Interest), who set up an insurance company with the apparent intent to milk it dry, leaving policy holders with tens of millions of dollars in unpaid insurance claims, can escape liability through the tactical use of arbitration provisions contained in agreements with companies also owned and controlled by these Defendants. This Petition requests the Supreme Court to issue a writ of mandamus directing the District Court to exercise subject matter jurisdiction over

the claims raised by Petitioner against certain of the Real Parties in Interest, and to lift a stay imposed on all court proceedings against the remaining Real Parties in Interest.

Because the facts and procedural history are voluminous, 7000 words are simply not sufficient to present the full merits of the writ. This matter involves more than 30 defendants, nineteen causes of action, three relevant and related district court orders requiring analysis, and presents issues of statewide importance. Considerable efforts were made to reduce the length, but even with such efforts, explanation and analysis of the relevant facts and legal issues required more than the 7,000 words now permitted. For these reasons, diligence and good cause exist to allow a writ that exceeds the new 7,000-word limit.

The Receiver has streamlined the petition as much as possible while still addressing the critical facts, procedural history, and legal arguments. The proposed writ is 2237 words over the maximum allowed limitation of 7,000 words. Because of what is at stake, *i.e.*, the Receiver's ability to fulfill her statutory duty of marshalling the insolvent insurance company's assets, and resolve millions of dollars in policy holder claims, as well as claims of other

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creditors, the Receiver respectfully requests permission from this Court to file the Petition for Writ of Mandamus, filed concurrently with this motion.

Respectfully submitted this 1st day of April 2021.

GREENBERG TRAURIG, LLP

/s/ Tami D. Cowden

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25,1 certify that I am an employee of GREENBERG TRAURIG, LLP, that in accordance therewith, on April 1, 2021, I caused a copy of *Motion for Permission to File a Petition for Writ of Mandamus in Excess Of 7000 Words* to be served upon the below identified Real Parties Interest via the Supreme Court's e-filing system:

<p>William R. Urga, Esq. David J. Malley, Esq. Michael R. Ernst, Esq. Jolley Urga Woodbury & Holthus 330 S. Rampart Blvd., Suite 380 Las Vegas, Nevada 89145 wru@juwlaw.com; djm@juwlaw.com; mre@juwlaw.com</p> <p><i>Attorneys for Real Parties in Interest</i> <i>Thomas Mulligan</i></p>	<p>Matthew T. Dushoff, Esq. Jordan D. Wolff, Esq. Satzman Mugan Dushoff 1835 Village Center Circle Las Vegas, Nevada 89134 Mdushoff@nvbusinesslaw.com jwolff@nvbusinesslaw.com</p> <p><i>Attorneys for Real Parties in Interest CTC</i> <i>Transportation Insurance Services of</i> <i>Missouri, LLC, CTC Transportation</i> <i>Insurance Services, LLC and CTC</i> <i>Transportation Services of Hawaii, LLC</i></p>
<p>John R. Bailey, Esq. Joshua M. Dickey, Esq. Rebecca L. Crooker, Esq. Bailey Kennedy 8984 Spanish Ridge Avenue Las Vegas, Nevada 89148 JBailey@BaileyKennedy.com JDickey@BaileyKennedy.com RCrooker@BaileyKennedy.com</p> <p><i>Attorneys for Real Parties in Interest</i> <i>Criterion Claim Solutions of Omaha, Inc.</i></p>	

<p>Thomas E. McGrath, Esq. Russell D. Christian, Esq. Tyson & Mendes LLP 3960 Howard Hughes Parkway, #600 Las Vegas, Nevada 89169 tmcgrath@tysonmendes.com rchristian@tysonmendes.com</p> <p><i>Attorneys for Real Parties in Interest Attorneys for Defendants Pavel Kapelnikov; Chelsea Financial Group, Inc. a California corporation; Chelsea Financial Group, Inc. a New Jersey corporation; Global Forwarding Enterprises, LLC; Kapa Management Consulting, Inc.; Kapa Ventures, Inc.; and Igor and Yanina Kapelnikov</i></p>	<p>L. Christopher Rose, Esq. Kirill V. Mikhaylov, Esq. William A. Gonzales, Esq. HOWARD & HOWARD ATTORNEYS PLLC 3800 Howard Hughes Parkway, #1000 lcr@h2law.com; kvm@h2law.com wag@h2law.com</p> <p><i>Attorneys for Defendants Six Eleven LLC; Quote My Rig, LLC; New Tech Capital LLC; 195 Gluten Free LLC; 10- 4 Preferred Risk Managers, Inc.; Ironjab, LLC; Fourgorean Capital LLC; Chelsea Financial Group, Inc. a Missouri corporation</i></p>
<p>Robert S. Larsen, Esq. Wing Yan Wong, Esq. Gordon Rees Scully Mansukhani, LLP 300 South Fourth Street, Suite 1550 Las Vegas, Nevada 89101 rlarsen@grsm.com wwong@grsm.com</p> <p><i>Attorneys for Real Parties in Interest Lexicon Insurance Management LLC, Daniel George and ICAP Management Solutions, LLC</i></p>	<p>Tamara Beatty Peterson, Esq. Nikki L. Baker, Esq. David E. Astur, Esq. Peterson Baker, PLLC 701 S. 7th Street Las Vegas, Nevada 89101 tpeterson@petersonbaker.com nbaker@petersonbaker.com dastur@petersonbaker.com</p> <p><i>Attorneys for Real Parties in Interest Matthew Simon Jr. and Scott McCrae</i></p>

<p>Sheri M. Thome, Esq. Rachel L. Wise, Esq. Wilson, Elser, Moskowitz, Edelman & Dicker LLP 6689 Las Vegas Blvd., Suite 200 Las Vegas, Nevada 89119 Sheri.Thome@wilsonelser.com Rachel.Wise@wilsonelser.com</p> <p><i>Attorneys for Real Parties in Interest Attorneys for Defendant James Marx, John Maloney, Virginia Torres, and Carlos Torres</i></p>	<p>Kurt R. Bonds, Esq. Trevor R. Waite, Esq. Alverson Taylor & Sanders 6605 Grand Montecito Pkwy, Ste 200 Las Vegas, Nevada 89149 efile@alversontaylor.com</p> <p><i>Attorneys for Real Parties in Interest Brenda Guffey</i></p>
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With a courtesy copy to

Judge Mark R. Denton
Eighth Judicial District Court
Clark County, Nevada
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

via email on April 1, 2021 to Dept13lc@clarkcountycourts.us

/s/ Andrea Lee Rosehill

An Employee of Greenberg Traurig LLP