

No. 82701

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 SEPT
COMMERCIAL AUTO RISK RETENTION GROUP, INC.

Electronically Filed
Aug 25 2021 05:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Petitioner,

vs.

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
SERVICES LLC, a California Limited Liability Company; CTC
TRANSPORTATION INSURANCE SERVICES OF HAWAII LLC,
a 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.

Petition for Writ of Mandamus from the Eighth Judicial District Court,
The Honorable Mark R. Denton, District Court Case No. A-20-809963-B

**REAL PARTIES IN INTEREST MATTHEW SIMON JR.
AND SCOTT MCCRAE'S JOINDER TO SIX ELEVEN PARTIES'
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
ANSWERING BRIEF**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to NRAP 26.1, Real Parties in Interest, Matthew Simon Jr. and Scott McCrae, through their undersigned counsel, state that they are individuals and no corporate disclosure statement is necessary.

Matthew Simon Jr. and Scott McCrae have been represented by the following law firm in the proceedings below:

PETERSON BAKER, PLLC.

Real Parties in Interest Matthew Simon Jr. ("Mr. Simon") and Scott McCrae ("Mr. McCrae"), by and through their attorneys of record, the law firm of Peterson Baker, PLLC, hereby join in the "Real Parties in Interest the Six Eleven Parties' Unopposed Motion for Extension of Time to File Answering Brief" filed on August 25, 2021 ("Motion for Extension of Time"), by Real Parties in Interest 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 Holding Company LLC and Chelsea Financial Group Inc. ("Six Eleven Parties"). In this regard, pursuant to the Motion for Extension of Time and this joinder thereto, Messrs. Simon and McCrae respectfully move the Court to extend the time to file their answer to Petitioner's petition for writ of mandamus.

Pursuant to the Court's "Order Directing Answer" entered on July 14, 2021 (Doc. 2021-20319), Messrs. Simon and McCrae's answer to the petition was originally due on August 11, 2021. Similar to the other Real Parties in Interest, Messrs. Simon and McCrae subsequently sought and were granted a telephonic extension to file their answer, which made the answer due on Wednesday, August 25, 2021. (*See* Doc. 2021-21334.) Thus, this is the second extension requested by Messrs. Simon and McCrae.

In the proceedings below, Messrs. Simon and McCrae were not parties to the motions to compel arbitration, which are chiefly at issue in the current writ proceedings. Rather, after the District Court granted those motions, Messrs. Simon

and McCrae filed a brief joinder to the Six Eleven Parties' motion to stay. (*See* APP1232-38.) In the joinder, they incorporated the motion to stay and complemented the motion with a summary of how the arguments made in the motion specifically and equally apply to Messrs. Simon and McCrae. (*See* APP1232-38.)

When the Court orders respondents or real parties in interest to answer a petition, NRAP 21(b)(2) provides that "two or more respondents or real parties may answer jointly." Consistent with this rule, Messrs. Simon and McCrae had intended, as they did before the District Court, to join the Six Eleven Parties' answer, which was also due on August 25, 2021. However, counsel for Messrs. Simon and McCrae were informed on Tuesday, August 24, 2021, of the extraordinary and compelling circumstances facing the Six Eleven Parties' counsel, as set forth in the Motion for Extension of Time, and that the Six Eleven Parties would be filing a motion requesting an extension of time to file their answer.

Accordingly, Messrs. Simon and McCrae respectfully join the request made by the Six Eleven Parties in their Motion for Extension of Time so that Messrs. Simon and McCrae can join in the Six Eleven Parties' answer, as they originally intended. Allowing Messrs. Simon and McCrae to do so would be in harmony with NRAP 26(b)(2), as well as NRAP 1(c), which states that "[t]hese Rules shall be liberally construed to secure the proper and efficient administration of the business and affairs of the courts and to promote and facilitate the administration of justice by the courts."

Alternatively, Messrs. Simon and McCrae need additional time to prepare their own, separate answer.

For these reasons, Messrs. Simon and McCrae respectfully submit that extraordinary and compelling circumstances support an extension of time to enable them to join in the Six Eleven Parties' answer or to prepare their own answer to the petition. To this end, Messrs. Simon and McCrae respectfully join in the request that the Court grant a 21-day extension, or until September 15, 2021, for Messrs. Simon and McCrae to do so. This request is made in good faith and not for the purpose of delay.

Dated this 25th day of August, 2021.

PETERSON BAKER, PLLC

By: /s/ Tamara Beatty Peterson
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed and served the foregoing **REAL PARTIES IN INTEREST MATTHEW SIMON JR. AND SCOTT MCCRAE'S JOINER TO SIX ELEVEN PARTIES' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on August 25, 2021, upon the following:

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Holding Company, LLC*

With a courtesy copy via email (pursuant to March 20, 2020 order of the
Chief Judge of the EDJC that courtesy copies be submitted via email):

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

via email on August 25, 2021 to Dept13lc@clarkcountycourts.us

/s/ Erin Parcels

an employee of Peterson Baker, PLLC