

JOHN R. BAILEY  
Nevada Bar No. 0137  
JOSHUA M. DICKEY  
Nevada Bar No. 6621  
REBECCA L. CROOKER  
Nevada Bar No. 15202  
**BAILEY ♦ KENNEDY**  
8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302  
Telephone: 702.562.8820  
Facsimile: 702.562.8821  
JBailey@BaileyKennedy.com  
JDickey@BaileyKennedy.com  
RCrooker@BaileyKennedy.com

*Attorneys for Real Party In Interest  
Criterion Claim Solutions of Omaha,  
Inc.*

Electronically Filed  
Aug 25 2021 06:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

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,

Respondents,

Supreme Court No. 82701

District Court No. A-20-809963-B

**REAL PARTY IN INTEREST  
CRITERION CLAIM  
SOLUTIONS OF OMAHA,  
INC.'S MOTION FOR  
PERMISSION TO FILE  
ANSWER TO PETITION FOR  
WRIT OF MANDAMUS IN  
EXCESS OF 7000 WORDS**

And,

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; 195 GLUTEN FREE LLC, a New Jersey Limited Liability,

Real Parties in Interest.

Pursuant to NRAP 21(d) and NRAP 32(a)(7)(D), Real Party in Interest CRITERION CLAIM SOLUTIONS OF OMAHA, INC. (“Criterion”), moves for permission to file its Answer in excess of 7000 words. This request exceeds NRAP 21(d)’s 7000-word limitation, but Criterion can show diligence and good cause to justify the additional length.

On April 1, 2021, Petitioner filed her Petition for Writ of Mandamus (the “Writ”) and Motion to Exceed the 7000-word limit. Petitioner’s Writ contains approximately 9259 words. *See* Certification in Petitioner’s Writ. In order to provide an appropriate response to Petitioner’s Writ, Criterion will need to exceed NRAP 21(d)’s 7000-word limit.

Because the facts and procedural history are voluminous, 7000 words are not sufficient to answer the Writ. This matter involves more than 30 defendants, ten causes of action, three relevant and related district court orders requiring analysis, and presents issues of statewide importance. Moreover, Petitioner raised several arguments for the first time on appeal, to which Criterion must respond.

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 7000 words now permitted. For these reasons, diligence and good cause exist to allow the Answer to exceed the 7000-word limit.

Criterion has streamlined its Answer as much as possible while still addressing the critical facts, procedural history, and legal arguments. The proposed Answer is 2645 words over the maximum allowed limitation of 7000 words. Because of what is at stake, Criterion respectfully requests permission from this Court to file its Answer to the Petition for Writ of Mandamus, filed concurrently with this motion.

DATED this 25th day of August, 2021.

BAILEY ❖ KENNEDY

By: /s/ John R. Bailey

JOHN R. BAILEY

JOSHUA M. DICKEY

REBECCA L. CROOKER

*Attorneys for Real Party In Interest  
Criterion Claim Solutions of Omaha,  
Inc.*

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY❖KENNEDY and that on the 25th day of August, 2021, service of the foregoing **REAL PARTY IN INTEREST CRITERION CLAIM SOLUTIONS OF OMAHA, INC.’S MOTION FOR PERMISSION TO FILE ANSWER TO PETITION FOR WRIT OF MANDAMUS IN EXCESS OF 7000 WORDS** was made by electronic service through the Nevada Supreme Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

MARK E. FERRARIO, ESQ.  
KARA B. HENDRICKS, ESQ.  
TAMI D. COWDEN, ESQ.  
**GREENBERG TRAURIG, LLP**  
10845 Griffith Peak Drive  
Suite 600  
Las Vegas, Nevada 89135

Email: ferrariom@gtlaw.com  
hendricksk@gtlaw.com  
cowdent@gtlaw.com

*Attorneys for Petitioner Barbara D. Richardson in Her Official Capacity as Receiver for Spirit Commercial Auto Risk Retention Group, Inc.*

---

WILLIAM R. URGAS, ESQ.  
DAVID J. MALLEY, ESQ.  
MICHAEL R. ERNST, ESQ.  
**JOLLEY URGAS WOODBURY & HOLTHUS**  
330 S. Rampart Boulevard, Suite 380  
Las Vegas, Nevada 89145

Email: wru@juvlaw.com  
djm@juvlaw.com  
mre2juvlaw.com

*Attorneys for Real Parties in Interest Thomas Mulligan*

---

KURT R. BONDS, ESQ.  
TREVOR R. WAITE, ESQ.  
**ALVERSON TAYLOR & SANDERS**  
6605 Grand Montecito Parkway  
Suite 200  
Las Vegas, Nevada 89149

Email: kbonds@alversontaylor.com  
efile@alversontaylor.com

*Attorneys for Real Parties in Interest Brenda Guffey*

ROBERT S. LARSEN, ESQ.  
WING YAN WONG, ESQ.  
**GORDON REES SCULLY  
MANSUKHANI, LLP**  
300 South Fourth Street  
Suite 1550  
Las Vegas, Nevada 89101

Email: [rlarsen@grsm.com](mailto:rlarsen@grsm.com)  
[wwong@grsm.com](mailto:wwong@grsm.com)

*Attorneys for Real Parties in Interest  
Lexicon Insurance Management LLC;  
Daniel George; and ICAP  
Management Solutions, LLC*

---

THOMAS E. MCGRATH, ESQ.  
RUSSELL D. CHRISTIAN, ESQ.  
**TYSON & MENDES LLP**  
3960 Howard Hughes Parkway  
Suite 600  
Las Vegas, Nevada 89169

Email: [tmcgrath@tysonmendes.com](mailto:tmcgrath@tysonmendes.com)  
[rchristian@tysonmendes.com](mailto:rchristian@tysonmendes.com)

*Attorneys for Real Parties in Interest  
Pavel Kapelnikov; Igor Kapelnikov;  
Yanina Kapelnikov; Chelsea  
Financial Group, Inc., a California  
corporation; Chelsea Financial  
Group, Inc., a New Jersey  
corporation, d/b/a Chelsea Premium  
Finance Corporation; Global  
Forwarding Enterprises, LLC; Kapa  
Management Consulting, Inc.; and  
Kapa Ventures, Inc.*

---

SHERI M. THOME, ESQ.  
RACHEL L. WISE, ESQ.  
**WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER LLP**  
6689 Las Vegas Boulevard South,  
Suite 200  
Las Vegas, Nevada 89119

Email: [Sheri.Thome@wilsonelser.com](mailto:Sheri.Thome@wilsonelser.com)  
[Rachel.Wises@wilsonelser.com](mailto:Rachel.Wises@wilsonelser.com)

*Attorneys for Real Parties in Interest  
James Marx; Carlos Torres; Virginia  
Torres; and John Maloney*

---

MATTHEW T. DUSHOFF, ESQ.  
JORDAN D. WOLFF, ESQ.  
**SALTZMAN MUGAN DUSHOFF**  
1835 Village Center Circle  
Las Vegas, Nevada 89134

Email: [mdushoff@nvbusinesslaw.com](mailto:mdushoff@nvbusinesslaw.com)  
[jwolff@nvbusinesslaw.com](mailto:jwolff@nvbusinesslaw.com)

*Attorneys for Real Parties in Interest  
CTC Transportation Insurance  
Services of Missouri, LLC; CTC  
Transportation Insurance Services  
LLC; and CTC Transportation  
Insurance Services of Hawaii LLC*

L. CHRISTOPHER ROSE, ESQ.  
KIRILL V. MIKHAYLOV, ESQ.  
WILLIAM A. GONZALES, ESQ.  
**HOWARD & HOWARD**  
**ATTORNEYS PLLC**  
3800 Howard Hughes Parkway,  
Suite 1000  
Las Vegas, Nevada 89169

Email: lcr@h2law.com  
kvm@h2law.com  
wag@h2law.com

*Attorneys for 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; and  
Chelsea Financial Group, Inc., a  
Missouri corporation*

---

TAMARA BEATTY PETERSON, ESQ.  
NIKKI L. BAKER, ESQ.  
DAVID E. ASTUR, ESQ.  
**PETERSON BAKER, PLLC**  
701 South 7<sup>th</sup> Street  
Las Vegas, Nevada 89101

Email: tpeterson@petersonbaker.com  
nbaker@petersonbaker.com  
dastur@petersonbaker.com

*Attorneys for Real Parties in Interest  
Matthew Simon Jr. and Scott McCrae*

With a courtesy copy via email (pursuant to March 20, 2020 Order of the Chief Judge of the Eighth Judicial District Court 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, Nevada 89155

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

/s/ Karen Rodman  
An Employee of BAILEY ♦ KENNEDY