

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 84221

CITY OF LAS VEGAS, a political subdivision of the State of Nevada,
Petitioner
v.
EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for
the County of Clark, and the Honorable Timothy C. Williams, District Judge,
Respondents
and
180 LAND CO, LLC, a Nevada limited-liability company, FORE STARS LTD., a
Nevada limited liability company,
Real Parties in Interest

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Elizabeth A. Brown
Clerk of Supreme Court

District Court Case No.: A-17-758528-J
Eighth Judicial District Court of Nevada

**CITY OF LAS VEGAS' OPPOSITION TO MOTION FOR LEAVE TO
FILE REPLY IN SUPPORT OF MOTION FOR DISQUALIFICATION
FILED BY 180 LAND CO, LLC AND FORE STARS LTD.**

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Attorneys for Petitioner

Petitioner City of Las Vegas (“City”) opposes the Motion for Leave to File Reply in Support of Notice of Justice Participation in Lower Tribunal and Motion for Disqualification (“Motion for Leave”) filed by Real Parties In Interest 180 Land Co LLC and Fore Stars Ltd. (collectively, the “Developer”).

NRAP 35(c) provides: “A reply may not be filed unless permission *is first obtained* from the court.” (emphasis added). The Developer did not seek leave to file a reply in support of its Motion to Disqualify, much less obtain permission, *before* filing the reply, as NRAP 35(c) requires. The untimely permission sought by the Developer is contrary to the plain language of NRAP 35(c). For that reason alone, the Motion for Leave should be denied.

Moreover, in the Motion for Leave (at 2), the Developer acknowledges it did not even try to abide by the rule, stating: “This request was inadvertently *not filed concurrently* with the Landowners’ Reply dated March 22, 2022.” (emphasis added). NRAP 35(c) does not authorize a concurrent request for leave; it requires a prior request and approval. *See id.* So even had the Developer concurrently requested leave, it would have been untimely. *See id.*

Because the substance of the Developer’s arguments has been addressed in its Motion to Disqualify and the City’s Opposition, which is the only briefing on disqualification allowed from the parties, the City does not revisit those arguments

here but refers the Court to the City's Opposition to Motion to Disqualify, its Writ Petition and Reply in support of the Writ Petition.

The City filed a motion to strike the untimely Reply, which the Developer did not oppose. For that reason, and because NRAP 35(c) does not authorize the Developer's Reply, the City respectfully asks that the Developer's Motion for Leave be denied and the *ultra vires* Reply be stricken.

AFFIRMATION

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person

DATED this 1st day of April, 2022

BY: /s/ Debbie Leonard

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Leonard Law, PC, and a copy of the foregoing document was electronically filed with the Clerk of the Court for the Nevada Supreme Court on today's date 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 E-Flex system. Others not registered will be served via U.S. mail at the following addresses.

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Dated: April 1, 2022

/s/ Tricia Trevino

An employee of Leonard Law, PC