

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
and OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Appellants,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; JERRY HERBST, an individual;
and TIMOTHY P. HERBST, as Special
Administrator of the ESTATE OF JERRY
HERBST, deceased,

Respondents.

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
and OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Appellants,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; JERRY HERBST, an individual;
and TIMOTHY P. HERBST, as Special
Administrator of the ESTATE OF JERRY
HERBST, deceased,

Respondents.

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CV14-01712

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District Court Case No.
CV14-01712

RESPONDENTS' SUPPLEMENTAL

APPENDIX

RSA1 – RSA16

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Reply in Support of Motion For Leave to File Motion For Reconsideration and Motion For Reconsideration of Order Holding Plaintiffs' Motion For Relief Under NRCP 60(B)(5)&(6) in Abeyance	12/02/2021	RSA007-RSA010
Response to Motion For Reconsideration of Order Holding Plaintiffs' Motion For Relief Under NRCP 60(B)(5)&(6) in Abeyance	11/30/2021	RSA011-RSA016

DATED this 10th day of October, 2022.

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CERTIFICATE OF SERVICE

I certify that I am an employee of DICKINSON WRIGHT, PLLC, and that on this date, pursuant to NRAP 25(d), I am serving the attached **RESPONDENTS' SUPPLEMENTAL APPENDIX** on the party(s) set forth below by:

☒ By electronic service by filing the foregoing with the Clerk of Court using the ECF Electronic Filing System, which will electronically mail the filing to the following individuals.

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;
EDWARD E. WOOLEY AND JUDITH A.
WOOLEY, individually and as trustees of the
Edward C. Wooley and Judith A. Wooley
Intervivos Revocable Trust 2000,

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; and JERRY HERBST, an
individual,

Defendants.

AND ALL RELATED MATTERS.

Case No. CV14-01712

Dept. No. 6

**MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION AND
MOTION FOR RECONSIDERATION OF ORDER HOLDING PLAINTIFFS' MOTION
FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On July 13, 2021, the Willard Plaintiffs filed a Motion for Relief under NRC
4 60(b)(5)&(6) (the “Rule 60(b)(6) Motion”). On November 10, 2021, this Court entered its Order
5 Holding Entry of Order Ruling on Willard Plaintiffs’ Motion for Relief Under NRC
6 60(b)(5)&(6) in Abeyance (the “Abeyance Order”). The Court appears to have concluded that,
7 due to Plaintiffs’ appeal of the Court’s Order After Remand Denying Plaintiffs’ Rule 60(b)
8 Motion for Relief, it: (1) lacks jurisdiction; and/or (2) can exercise its discretion to hold the Rule
9 60(b)(6) Motion in abeyance. Unfortunately, this is not correct.

10 There are no applicable rules or the case law that allow a judge to simply hold a motion
11 in abeyance, without ruling on it, and thereby deprive any appellate remedy for the party
12 potentially losing the subject motion. Further, under Foster v. Dingwall, 126 Nev. 49, 52-53,
13 228 P.3d 453, 455-56 (2010): (1) if the district court is inclined to grant a 60(b) motion, the
14 district court can certify its intent to do so, and the appellate court can remand for that purpose;
15 (2) but if the district court is not inclined to grant the motion, the district court **does have**
16 **jurisdiction to enter an order denying the motion**. Given the above and Larry Willard’s age
17 (79 years old), this Court should reconsider its Abeyance Order and either certify its inclination
18 to grant the Rule 60(b)(6) Motion or simply deny the Rule 60(b)(6) Motion.

19 **II. LEGAL STANDARD**

20 WDCR 12(8) provides, “[a] party seeking reconsideration of a ruling of the court, other
21 than an order which may be addressed by motion pursuant to N.R.C.P. 50(b), 52(b), 59 or 60,
22 must file a motion for such relief within 14 days after service of written notice of entry of the
23 order or judgment, unless the time is shortened or enlarged by order.” WDCR 12(8) requires that
24 a party seeking reconsideration do so in accordance with DCR 13(7). DRC 13(7) indicates a
25 matter will only be reheard if leave of court is granted on a motion therefor and notice of the
26 motion is provided to the adverse parties. Accordingly, the Plaintiffs concurrently request leave
27 of this Court pursuant to DCR 13(7).

1 A district court may reconsider a previously decided issue if the decision is erroneous.
2 See Masonry Tile Contrs. v. Jolley Urga Wirth Ass'n, 113 Nev. 737, 741, 941 P.2d 486, 489
3 (1997) (citations omitted). Moreover, by its very nature, the Abeyance Order contemplates that
4 the Court will eventually rule on the merits of the Rule 60(b)(6) Motion. It should now do so.

5 **III. LEGAL ARGUMENT**

6 ***A. The Court Cannot Hold the Rule 60(b)(6) Motion in Abeyance, and Should Either*** 7 ***Certify an Inclination to Grant the Motion, or Deny the Motion***

8 The Court correctly cited to Mack-Manley v. Manley, 122 Nev. 849, 855, 138 P.3d 525,
9 529-30 (2006) for the rule that the district court loses jurisdiction to enter orders that affect the
10 merits of a pending appeal. However, that case also explained that “the district court retains
11 jurisdiction to enter orders on matters that are collateral to and independent from the appealed
12 order, *i.e.*, matters that in no way affect the appeal’s merits.” Mack-Manley, 122 Nev. at 855,
13 138 P.3d at 530. The only order that can affect an appeal is an order **granting** a motion for
14 relief, not an order denying such a motion.

15 Notably, as the Nevada Supreme Court held in Foster v. Dingwall: (1) if the district court
16 is inclined to grant the motion, the district court can certify its intent to do so, and the appellate
17 court can remand for that purpose; (2) but if the district court is not inclined to grant the motion,
18 the district court **does** have jurisdiction to enter an order denying the motion. Id., 126 Nev. at
19 52-53, 228 P.3d at 455. Importantly, the Nevada Supreme Court confirmed that an order
20 denying relief can then be separately appealed. See id., 126 Nev. at 53, 228 P.3d at 456 n.3
21 (“We note that if the order denying such relief is independently appealable, such as an order
22 denying NRCP 60(b) relief . . . any party aggrieved by that order may appeal that order to this
23 court.”). This is also consistent with NRAP 12A.

24 In short, there is no basis under rules of procedure or under case law for a district court to
25 hold the Rule 60(b)(6) Motion in abeyance, indefinitely, without ruling on it by either certifying
26 an inclination to grant the motion or by denying the motion outright. To hold a motion in
27 abeyance would deprive an appellate remedy for the party potentially losing the motion.

1 ***B. Larry Willard Is Entitled to a Prompt Ruling***

2 Another important issue is that Larry Willard is 79 years old. (See Ex. 7 to Rule 60(b)(6)
3 Motion, at ¶ 113.) The Court is surely familiar with the legal maxim that “justice delayed is
4 justice denied.” Dietrich v. Boeing Co., 14 F.4th 1089, 1095 (9th Cir. 2021). Moreover, Nevada
5 law recognizes it is important for any litigant who is 70 years of age or older to receive
6 preference in setting a date for trial. NRS 16.025(1).

7 The delay resulting from the Abeyance Order will be intolerable. The first appeal in this
8 case, which the Nevada Supreme Court decided without oral argument, took approximately 19
9 months from docketing of the appeal until issuance of the opinion remanding to this Court for
10 further proceedings. The second appeal, which is pending now, was docketed in the Supreme
11 Court in October 2021. If the appeal proceeds at the same pace as the prior appeal, and if the
12 Supreme Court does not hold oral argument, the appeal will not be decided until approximately
13 May 2023. At that time, even if this court expedites its decision on the Rule 60(b)(6) Motion,
14 this Court’s decision will not be rendered until the summer of 2023. Then the losing party might
15 appeal – resulting in a third appeal in this case – and the litigation process will be extended
16 another nearly two years, until 2025. And if the Supreme Court eventually rules in favor of Mr.
17 Willard and remands for a trial, the trial might not take place until late 2025 or perhaps in 2026.

18 At Mr. Willard’s age, he cannot afford the delay associated with serial appeals for the rest
19 of his life. Justice requires a decision on the Rule 60(b)(6) Motion now so that he can either (1)
20 move the case forward to trial (if this Court certifies its inclination to grant the motion, and if the
21 Supreme Court approves the certification) or, alternatively, (2) appeal from a denial of the Rule
22 60(b)(6) Motion. Any appeal from this Court’s decision on the Rule 60(b)(6) Motion can be
23 consolidated with the pending appeal, and both can be decided by the Supreme Court together,
24 thereby eliminating approximately two years of delay. Accordingly, the Court should revisit its
25 Abeyance Order.

26 **IV. CONCLUSION**

27 The Plaintiffs respectfully request that the Court either: (1) certify an inclination to grant
28 the Rule 60(b)(6) Motion; or (2) deny it. One or the other. Plaintiff Larry Willard is very

1 elderly, and holding the Rule 60(b)(6) Motion in abeyance will just delay potential remedies for
2 this senior citizen who lost millions of dollars due to the Defendants' strategic breach of the lease
3 and guaranty. Thus, the Court should grant this motion and reconsider its Abeyance Order.

4 **Affirmation**

5 Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding
6 document does not contain the social security number of any person.

7 Dated this 24th day of November, 2021.

8 ROBERTSON, JOHNSON,
9 MILLER & WILLIAMSON

10 By: /s/ Jonathan Joel Tew
11 Richard D. Williamson, Esq.
Jonathan Joel Tew, Esq.

12 and

13 LEMONS, GRUNDY & EISENBERG

14 By: /s/ Robert L. Eisenberg
Robert L. Eisenberg, Esq.

15 *Attorneys for the Willard Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Robertson, Johnson,
3 Miller & Williamson, 50 West Liberty Street, Suite 600, Reno, Nevada 89501, over the age
4 of 18, and not a party within this action. I further certify that on the 24th day of November, 2021,
5 I electronically filed the foregoing **MOTION FOR LEAVE TO FILE MOTION FOR**
6 **RECONSIDERATION AND MOTION FOR RECONSIDERATION OF ORDER**
7 **HOLDING PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN**
8 **ABEYANCE** with the Clerk of the Court by using the ECF system which served the following
9 parties electronically:

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

LARRY J. WILLARD, individually and as
Trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation,

Plaintiffs,

vs.

BERRY-HINCKLEY INDUSTRIES, a Nevada
corporation; and JERRY HERBST, an individual,

Defendants.

Case No. CV14-01712

Dept. No. 6

AND ALL RELATED MATTERS.

REPLY IN SUPPORT OF
MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION AND MOTION
FOR RECONSIDERATION OF ORDER HOLDING PLAINTIFFS' MOTION FOR
RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE

Plaintiffs Larry J. Willard, individually and as Trustee of the Larry James Willard Trust Fund ("Mr. Willard"), and Overland Development Corporation (collectively, the "Willard Plaintiffs") hereby file this reply in support of their Motion for Leave to File Motion for Reconsideration and Motion for Reconsideration of Order Holding Plaintiffs' Motion for Relief Under NRCP 60(b)(5)&(6) in Abeyance.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On August 10, 2021, Defendants filed a 22-page opposition to the Willard Plaintiffs’
3 Rule 60(b)(6) motion, along with approximately 250 pages of exhibits. The opposition
4 contained every imaginable argument Defendants could possibly make in opposition to the Rule
5 60(b)(6) motion. Defendants simultaneously filed a motion requesting permission to exceed this
6 Court’s 15-page limit for the opposition. The motion to exceed the page limit consisted of a
7 single paragraph, with virtually no effort to establish extraordinary circumstances justifying the
8 excess pages.

9 The Willard Plaintiffs opposed Defendants’ motion for excess pages. Defendants then
10 filed a reply on August 27, 2021. But instead of focusing on possible extraordinary
11 circumstances for the excess pages, Defendants took advantage of their right to file the reply.
12 They used the reply regarding excess pages as an opportunity to reargue their opposition to the
13 merits of the Rule 60(b)(6) motion, and they used the reply to beef up and supplement their
14 previous 22-page opposition to the Rule 60(b)(6) motion. This court granted Defendants’ motion
15 for excess pages.

16 When the Court issued its order holding the Rule 60(b)(6) motion in abeyance, the
17 Willard Plaintiffs promptly filed a motion for reconsideration. The motion was simple, narrow,
18 and focused. It did not reargue the merits of the Rule 60(b)(6) motion. It simply requested the
19 Court not to hold the Rule 60(b)(6) motion in abeyance, and instead, to decide the motion now,
20 either by certifying an inclination to grant the Rule 60(b)(6) motion, or by denying the motion.
21 This was the only relief the Willard Plaintiffs requested in their motion for reconsideration.

22 Defendants have now filed a multi-page response to the motion for reconsideration.
23 Once again, Defendants have not focused on the simple relief being sought. And once again,
24 Defendants have taken the opportunity to reargue and supplement their Rule 60(b)(6) opposition
25 regarding the merits of the Rule 60(b)(6) motion. Indeed, virtually the entire response to the
26 Willard Plaintiffs’ motion for reconsideration consists of Defendants’ aggressive regurgitation of
27 the numerous arguments Defendants already made twice regarding the Rule 60(b)(6) motion –
28 once in their opposition to the Rule 60(b)(6) motion, and again in their reply regarding their

1 motion for excess pages. In other words, Defendants have now – once again – supplemented
2 their opposition to the Rule 60(b)(6) motion. *Cf. Moreland v. Eplett*, 2021 WL 5293833 at *4
3 (7th Cir. 2021) (a court should avoid unnecessary rounds of supplemental briefing).

4 But amazingly, after all their Rambo-style hyperbole regarding the merits of the Rule
5 60(b)(6) motion, Defendants end up expressly conceding that the Rule 60(b)(6) motion “**should**
6 **be decided now.**” (Defendants’ Response at 3, line 17, bold added). This is precisely the relief
7 the Willard Plaintiffs are seeking in their motion for reconsideration: the Court should decide the
8 Rule 60(b)(6) motion now, rather than holding it in abeyance. In other words, both sides in this
9 case completely agree that the Court should **not** hold the motion in abeyance. Everything else in
10 Defendants’ response is irrelevant, unnecessary, and should be ignored.

11 Accordingly, the Willard Plaintiffs respectfully request the Court to reconsider its order
12 holding the Rule 60(b)(6) motion in abeyance. For the reasons set forth in the Willard Plaintiffs’
13 motion for reconsideration – and in light of Defendants’ express agreement that the Rule
14 60(b)(6) motion “should be decided now” – the Court should either certify its inclination to grant
15 the Rule 60(b)(6) motion, or the Court should deny it. One way or the other, the Court should
16 not hold the motion in abeyance.

17 **Affirmation**

18 Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding
19 document does not contain the social security number of any person.

20 Dated this 2nd day of December, 2021.

21 LEMONS, GRUNDY & EISENBERG

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23 and

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26 By: /s/ Richard D. Williamson
Richard D. Williamson, Esq.
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trustee of the Larry James Willard Trust Fund;
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EDWARD E. WOOLEY AND JUDITH A.
WOOLEY, individually and as trustees of the
Edward C. Wooley and Judith A. Wooley
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Plaintiffs,

vs.

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corporation; and JERRY HERBST, an
Individual;

Defendants.

CASE NO. CV14-01712

DEPT. 6

BERRY-HINCKLEY INDUSTRIES, a
Nevada corporation; and JERRY HERBST,
an individual;

Counterclaimants,

vs

LARRY J. WILLARD, individually and as
trustee of the Larry James Willard Trust Fund;
OVERLAND DEVELOPMENT
CORPORATION, a California corporation;

Counter-defendants.

RSA011

1 **RESPONSE TO MOTION FOR RECONSIDERATION OF ORDER HOLDING**
2 **PLAINTIFFS' MOTION**
3 **FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE**

4 Defendants Berry Hinckley Industries and Jerry Herbst ("Defendants") by and through
5 their counsel of record, Dickinson Wright PLLC, hereby submit their response to the Motion for
6 Reconsideration of Order Holding Plaintiffs' Motion for Relief Under NRCP 60(B)(5)&(6) in
7 Abeyance. This Response is made and based upon the papers and pleadings herein; the attached
8 Memorandum of Points and Authorities; any argument or evidence which may be presented to
9 the Court at a hearing, and such other matters as the Court deems just and proper.

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 Defendants agree that this Court has jurisdiction to consider the Willard Plaintiffs' Rule
12 60(b)(6) Motion consistent with the procedure and considerations set forth in *Foster v.*
13 *Dingwall*, 126 Nev. 49, 228 P.3d 453 (2010). However, Defendants maintain that the Rule
14 60(b)(6) Motion should be categorically denied for multiple, independent reasons, and sanctions
15 should be imposed for filing the same. Indeed, the Willard Plaintiffs' position has only
16 worsened since the submission of the Rule 60(b)(6) Motion. Specifically:

17 • **(1) The Willard Plaintiffs are categorically prohibited from seeking their**
18 **claimed relief under Rule 60(b)(6).** As set forth in the Opposition to the Rule 60(b)(6) Motion,
19 the Rule 60(b)(6) Motion blatantly misuses NRCP 60(b)(6) to improperly seek untimely relief
20 under NRCP 60(b)(1) and NRCP 60(b)(2), which the Willard Plaintiffs themselves admit.
21 (Opposition at 8-12). Case law categorically prohibits such use of Rule 60(b)(6), as discussed in
22 the Opposition. *See id.*

23 • In fact, since Willard's NRCP 60(b)(6) Motion has been submitted, new
24 published Nevada law has held that "Rule 60(b)(6) is available only in extraordinary
25 circumstances, which are **not addressed by the first five numbered clauses of the Rule** and
26 only as a means to achieve substantial justice." *Byrd v. Byrd*, 137 Nev. Adv. Op. 60 (Nev. App.
27 2021). "In other words, NRCP 60(b)(6) provides an independent basis for relief **that is**
28 **mutually exclusive of clauses 1-5.**" *Id.* (emphasis added) (also quoting authority for the

1 proposition that “clause 6 and the first five clauses are mutually exclusive and...relief cannot be
2 had under clause (6) if it would have been available under the earlier clauses”). Thus, in *Byrd*,
3 the Court held that relief under NRCP 60(b)(6) was improper because the NRCP 60(b)(6)
4 motion “sounded in NRCP 60(b)(1) or 60(b)(3). *Id.* The Court held that “because [the movant’s]
5 claim is one that is specifically contemplated by the first five enumerated sections of NRCP
6 60(b), relief under NRCP 60(b)(6) is unavailable.” *Id.* And because the motion was filed more
7 than six months after the judgment, it would have been untimely under NRCP 60(b)(1) or
8 (b)(3). Thus, the district court abused its discretion in granting relief under NRCP 60(b). *Id.*
9 Applied here, this means that the Willard Plaintiffs’ Rule 60(b)(6) Motion is being maintained
10 in direct violation of controlling law.

11 • **(2) The timing of the Motion demonstrates beyond dispute that the Willard**
12 **Plaintiffs filed the Motion in bad faith.** As discussed in the Opposition, the Rule 60(b)(6)
13 Motion was filed in blatant violation of the Nevada Supreme Court’s express order which
14 prohibited either party from presenting new evidence during the time in which this Court was
15 considering the *Yochum* factors on remand. (Opposition at 6-7). Worse, Willard has
16 indisputably known of the events that allegedly form the basis for the Rule 60(b)(6) Motion for
17 more than two years, yet waited until the remand to file the motion. (Opposition at 12-16).
18 Thus, the timing of the Rule 60(b)(6) Motion makes clear that Willard filed the Motion as a
19 means to circumvent the Nevada Supreme Court’s order and improperly seek to have this Court
20 consider inadmissible evidence. *See id.*

21 • Again, Willard’s position has only worsened since the submission of the Rule
22 60(b)(6) Motion. Specifically, in arguing in the present Motion for Reconsideration that Nevada
23 law permits the Willard Plaintiffs to file, and this Court to decide, a motion for Rule 60(b)
24 relief, the Willard Plaintiffs are conceding that the pendency of their prior appeal from this
25 Court’s Rule 60(b)(1) Order did not form a basis for the Willard Plaintiffs’ egregious delay in
26 filing their Rule 60(b)(6) Motion. (Opposition at 12-16).

1 • **(3) The Rule 60(b)(6) Motion blatantly ignores and contradicts this Court’s**
2 **prior findings and rulings.** Finally, the Rule 60(b) Motion completely ignored—and in fact,
3 blatantly contradicted—this Court’s NRCPP 60(b)(1) Order. As discussed in the Opposition, the
4 Rule 60(b)(6) Motion was replete with statements by Willard that this Court has expressly held
5 that Willard lacks the personal knowledge or foundation to make. (Opposition at 16-21). Even
6 more alarmingly, the Rule 60(b)(6) Motion completely ignored the fact that this Court had
7 already made multiple findings which categorically preclude the Rule 60(b)(6) Motion,
8 including the finding that Willard was represented by **two** attorneys, thereby precluding relief
9 with respect to Moquin’s alleged conduct; the finding that “Moquin did not abandon Plaintiffs”;
10 the finding that Willard “was aware of Mr. Moquin’s alleged problems”; and that Willard
11 personally was responsible for much of the sanctionable conduct. *See id.*

12 • And once again, Willard’s position has only worsened since the filing of the Rule
13 60(b)(6) Motion. Indeed, in its September 13, 2021, NRCPP 60(b)(1) Order on Remand, this
14 Court entered an order which reiterated and confirmed its prior findings discussed herein. Yet,
15 Willard has made no attempt to modify or withdraw his Rule 60(b)(6) Motion, continuing to
16 steadfastly maintain his frivolous versions of the alleged “facts.”

17 In sum, Defendants agree that Willard’s Rule 60(b)(6) Motion should be decided now—
18 because the Motion is patently frivolous, and should be denied for multiple, independent bases.
19 Defendants have been held hostage by Willard in this litigation for more than seven years now,
20 and Willard’s filings have only become more frivolous—an impressive feat given that Willard’s
21 egregious conduct led to the dismissal of his case with prejudice more than three years ago.
22 Defendants have no desire to continue to be held hostage by Willard for years to come
23 (particularly because Willard is already contemplating a third appeal, *see* Motion for
24 Reconsideration at 3), and request that this Court deny Willard’s Rule 60(b)(6) Motion and
25 impose sanctions against Willard for filing the same.

AFFIRMATION
Pursuant to NRS 239B.030

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

DATED this 30th day of November 2021.

DICKINSON WRIGHT, PLLC

/s/ Brian R. Irvine
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CERTIFICATE OF SERVICE

I certify that I am an employee of DICKINSON WRIGHT PLLC, and that on this date, pursuant to NRCP 5(b); I am serving a true and correct copy of the attached **RESPONSE TO MOTION FOR RECONSIDERATION OF ORDER HOLDING PLAINTIFFS' MOTION FOR RELIEF UNDER NRCP 60(b)(5)&(6) IN ABEYANCE** on the parties through the Second Judicial District Court's E-Flex filing system to the following:

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DATED this 30th day of November, 2021.

/s/ Mina Reel
An employee of DICKINSON WRIGHT PLLC