

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC, A NEVADA CORPORATION; AM-GSR HOLDINGS, LLC, A NEVADA CORPORATION; AND GAGE VILLAGE COMMERCIAL DEVELOPMENT, LLC, A NEVADA CORPORATION;

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE; THE HONORABLE ELIZABETH GONZALEZ (RET.), SENIOR JUDGE, DEPARTMENT OJ41; AND RICHARD M. TEICHNER, RECEIVER,

Respondents,

and

ALBERT THOMAS, INDIVIDUALLY; JANE DUNLAP, INDIVIDUALLY; JOHN DUNLAP, INDIVIDUALLY; BARRY HAY, INDIVIDUALLY; MARIE-ANNE ALEXANDER, AS TRUSTEE OF THE MARIE-ANNE ALEXANDER LIVING TRUST; MELISSA VAGUJHELYI AND GEORGE VAGUJHELYI, AS TRUSTEES OF THE GEORGE VAGUJHELYI AND MELISSA VAGUJHELYI 2001 FAMILY TRUST AGREEMENT, U/T/A APRIL 13, 2001; D' ARCY NUNN, INDIVIDUALLY; HENRY NUNN, INDIVIDUALLY; MADELYN VAN DER BOKKE, INDIVIDUALLY; LEE VAN DER BOKKE, INDIVIDUALLY; DONALD SCHREIFELS, INDIVIDUALLY; ROBERT R. PEDERSON, INDIVIDUALLY AND AS TRUSTEE OF THE PEDERSON 1990 TRUST; LOU ANN PEDERSON, INDIVIDUALLY AND AS TRUSTEE OF THE PEDERSON 1990 TRUST; LORI ORDOVER, INDIVIDUALLY; WILLIAM A. HENDERSON, INDIVIDUALLY; CHRISTINE E.

Supreme Court No. 88065
Electronically Filed
District Court Case No. 2024-12077
Apr 05 2024 02:57 PM
Elizabeth A. Brown
Clerk of Supreme Court

HENDERSON, INDIVIDUALLY; LOREN D. PARKER, INDIVIDUALLY; SUZANNE C. PARKER, INDIVIDUALLY; MICHAEL IZADY, INDIVIDUALLY; STEVEN TAKAKI, INDIVIDUALLY; FARAD TORABKHAN, INDIVIDUALLY; SAHAR TAVAKOLI, INDIVIDUALLY; M&Y HOLDINGS, LLC; JL&YL HOLDINGS, LLC; SANDI RAINES, INDIVIDUALLY; R. RAGHURAM, INDIVIDUALLY; USHA RAGHURAM, INDIVIDUALLY; LORI K. TOKUTOMI, INDIVIDUALLY; GARRET TOM, INDIVIDUALLY; ANITA TOM, INDIVIDUALLY, RAMON FADRILAN, INDIVIDUALLY; FAYE FADRILAN, INDIVIDUALLY; PETER K. LEE AND MONICA L. LEE, AS TRUSTEES OF THE LEE FAMILY 2002 REVOCABLE TRUST; DOMINIC YIN, INDIVIDUALLY; ELIAS SHAMIEH, INDIVIDUALLY; JEFFREY QUINN, INDIVIDUALLY; BARBARA ROSE QUINN INDIVIDUALLY; KENNETH RICHE, INDIVIDUALLY; MAXINE RICHE, INDIVIDUALLY; NORMAN CHANDLER, INDIVIDUALLY; BENTON WAN, INDIVIDUALLY; TIMOTHY D. KAPLAN, INDIVIDUALLY; SILKSCAPE INC.; PETER CHENG, INDIVIDUALLY; ELISA CHENG, INDIVIDUALLY; GREG A. CAMERON, INDIVIDUALLY; TMI PROPERTY GROUP, LLC; RICHARD LUTZ, INDIVIDUALLY; SANDRA LUTZ, INDIVIDUALLY; MARY A. KOSSICK, INDIVIDUALLY; MELVIN CHEAH, INDIVIDUALLY; DI SHEN, INDIVIDUALLY; NADINE'S REAL ESTATE INVESTMENTS, LLC; AJIT GUPTA, INDIVIDUALLY; SEEMA GUPTA, INDIVIDUALLY; FREDERICK FISH, INDIVIDUALLY; LISA FISH, INDIVIDUALLY; ROBERT A. WILLIAMS, INDIVIDUALLY; JACQUELIN PHAM, INDIVIDUALLY, MAY ANNE HOM, AS TRUSTEE OF THE MAY ANNE

HOM TRUST; MICHAEL HURLEY,
INDIVIDUALLY; DOMINIC YIN,
INDIVIDUALLY, DUANE WINDHORST,
INDIVIDUALLY, MARILYN WINDHORST,
INDIVIDUALLY, VINOD BHAN,
INDIVIDUALLY; ANNE BHAN, INDIVIDUALLY;
GUY P. BROWNE, INDIVIDUALLY; GARTH A.
WILLIAMS, INDIVIDUALLY; PAMELA Y.
ARATANI, INDIVIDUALLY; DARLEEN
LINDGREN, INDIVIDUALLY; LAVERNE
ROBERTS, INDIVIDUALLY; DOUG MECHAM,
INDIVIDUALLY; CHRISTINE MECHAM,
INDIVIDUALLY; KWANG SOO SON,
INDIVIDUALLY; SOO YEUN MOON,
INDIVIDUALLY; JOHNSON AKINBODUNSE,
INDIVIDUALLY; IRENE WEISS, AS TRUSTEE
OF THE WEISS FAMILY TRUST; PRAVESH
CHOPRA, INDIVIDUALLY; TERRY POPE,
INDIVIDUALLY; NANCY
POPE, INDIVIDUALLY; JAMES TAYLOR,
INDIVIDUALLY; RYAN TAYLOR,
INDIVIDUALLY; KI NAM CHOI, INDIVIDUALLY;
YOUNG JA CHOI, INDIVIDUALLY; SANG DAE
SOHN, INDIVIDUALLY; KUK HYUN
(CONNIE) YOO, INDIVIDUALLY; SANG (MIKE)
YOO, INDIVIDUALLY; BRETT MENMUIR, AS
TRUSTEE OF THE CAYENNE TRUST;
WILLIAM MINER, JR., INDIVIDUALLY;
CHANH TRUONG, INDIVIDUALLY;
ELIZABETH ANDRES MECUA,
INDIVIDUALLY; SHEPHERD MOUNTAIN,
LLC; ROBERT BRUNNER, INDIVIDUALLY;
AMY BRUNNER, INDIVIDUALLY; JEFF
RIOPELLE, INDIVIDUALLY, PATRICIA M.
MOLL, INDIVIDUALLY; DANIEL MOLL,
INDIVIDUALLY,

Real Parties in Interest.

**MOTION FOR PERMISSION TO FILE ANSWER IN EXCESS OF TYPE-
VOLUME LIMITATION (INCLUDING DECLARATION OF COUNSEL
AND CERTIFICATE OF COMPLIANCE)**

Pursuant to NRAP 32(a)(7)(D), Real Parties move for permission to file an answer in excess of the 7,000 word-count limitation in NRAP 21(d). The proposed answer is 9,651 words.

I. PROCEDURAL REQUIREMENTS ARE SATISFIED

As required by NRAP 32(a)(7)(D)(ii) and (iii), this motion is accompanied by: (1) a declaration of counsel stating the reasons for the motion and the number of additional words requested; (2) a certificate as required by NRAP 32(a)(9)(C) as to the word count; and (3) a single copy of the answer that Real Parties propose to file (e-filed separately).

II. ARGUMENT

Extraordinary cases can justify long briefs. The additional words requested for the answer in the present writ case are warranted when this case is compared to other cases in which courts have permitted appellate briefs in excess of size limitations. For example, in Evans v. State, 117 Nev. 609, 642, 28 P.3d 498, 520 (2001), overruled on other grounds by Trejo v. State, 543 P.3d 664, 2024 WL 609297 (Feb. 13, 2024) (unpublished), there were numerous appellate issues, including issues dealing with statutory applications and constitutional law. This court allowed the appellant to file an opening brief of 120 pages and a reply brief of 54 pages,

which at that time were “far in excess of the normal 30-page limit for briefs.” Id.; see also McConnell v. Federal Election Com’n, 539 U.S. 938 (2003) (complex election case, Solicitor General allowed to file 140-page brief); Penry v. Texas, 515 U.S. 1304 (1995) (noting that appellant’s brief in state appellate court was 375 pages long, and state’s brief was 248 pages long); Fusari v. Steinberg, 419 U.S. 379, 390 (1974) (Burger, C.J., concurring; noting that appellee’s brief was 122 pages long).

The accompanying declaration of counsel describes the record in the present case, the issues in the writ petition, and significant efforts to reduce the size of the proposed answer. For the reasons set forth in this motion and the accompanying declaration of counsel, Real Parties request permission to file the answer consisting of 9,651 words.

DATED this 5th day of April, 2024.

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By: /s/ Briana N. Collings
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Briana N. Collings, Esq.
Attorneys for Real Parties in Interest

DECLARATION OF BRIANA N. COLLINGS [NRAP 32(a)(7)(D)(ii)]

Pursuant to NRAP 32(a)(7)(D)(ii), Briana N. Collings, counsel for Real Parties, hereby submits the following declaration stating the reasons for the motion and the number of additional words requested.

There can be no dispute that this years-old case is unique, with a highly complex history, and with unusual issues being asserted in the Petition. Real Parties respectfully contend that this case is sufficiently extraordinary and compelling to justify the proposed answer that is 9,651 words in length. Real Parties' answer necessarily sets forth the history of this proceeding, which has spanned almost 12 years and resulted in 3,159 docket entries in the district court at the time this motion is being filed. This intense factual recitation was critical to complete and correct the omissive factual background presented by Petitioners.

The complete recounting of this proceeding below is required to properly apply the tests for writ relief and consider whether such relief is warranted. Moreover, a considerable amount of the heavily-litigated issues in the district court have arisen from Petitioners' bad acts, including but not limited to flagrant discovery abuses (resulting in case-terminating sanctions); obtaining an erroneous dismissal and, while the matter was on appeal, returning to their fraudulent practices of stealing funds from Real Parties (resulting in a necessary true-up and disgorgement of these amounts upon remand).

The proposed answer also necessarily discusses additional bad acts by Petitioners, such as when faced with punitive damages, almost single-handedly funding an opposing candidate who unseated the original district court judge on this matter (resulting in a flurry of judicial turnover and severe delay); taking advantage of the first appointed senior judge's failure to meaningfully move the case forward and, again, returning to fraudulent practices of stealing funds from Real Parties (this time resulting in a four-day evidentiary hearing on multiple orders to show cause, and a finding of contempt, as well as a now further-complicated final accounting true-up); attempting to manipulate the receivership (resulting in multiple motions for instructions and orders to show cause); attempting to manipulate the district court's plan to dissolve the Grand Sierra Resort Unit Owners' Association (resulting in multiple motions, including an emergency hearing); and so on. Real Parties cannot properly answer Petitioners' writ petition without setting forth all of this critical relevant background for this court's consideration.

All of this factual background is critical in this matter to set forth the reasons why writ relief is inappropriate. Additionally, Real Parties were required to discuss the numerous appeals filed by Petitioners—most of which have now been dismissed by this court for lack of jurisdiction, after the parties briefed multiple motions in those various appeals. (See Nos. 85915, 86092, and 86985 (which are being concurrently briefed), 87243, 87303, 87566, and 87685 (dismissed for lack of

jurisdiction), 88043, 88044, and 88227 (filed after the dismissal order and remain pending), and 88065 (the instant petition).) This complex and voluminous background has been simplified as much as possible by Real Parties in their answer.

Real Parties have diligently worked to eliminate duplicative and irrelevant facts from their answer. Accordingly, the undersigned counsel submits that these reasons justify permission for filing the answer consisting of 9,651. The proposed answer is being submitted with this motion.¹

Dated: April 5, 2024

/s/ Briana N. Collings
Briana N. Collings

¹ Fundamental fairness also weighs in favor of enlarging the word count for the answer. This court's Order Directing Answer (March 1, 2024), allows Petitioners to file a reply. Under NRAP 21(d), the reply may contain up to 7,000 words. Therefore, Petitioners will be able to submit a total of 14,000 words for the petition and the reply. Yet Real Parties will be limited to only half that amount (7,000 words), unless the court grants this motion. Even if this court grants this motion and allows 9,651 words, the answer will still contain far fewer words than the 14,000 words allowed for Petitioners' two filings.

CERTIFICATE OF COMPLIANCE [NRAP 32(a)(7)(D)(ii)]

This certificate of compliance accompanies Real Parties' motion requesting enlargement of the word-count limit for the answer, as required by NRAP 32(a)(7)(D)(ii). The certificate is also attached to the proposed answer being submitted with the motion.

1. I hereby certify that this answer complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6), because this answer has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman type style.

2. I have filed a motion for permission to exceed the word-count limit for this answer. I certify that this answer contains 9,651 words. Therefore, if the motion is granted, the answer will comply with Rule 32.

3. Finally, I hereby certify that I have read this answer, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this answer complies with all applicable Nevada Rules of appellate procedure, in particular NRAP 28(e)(1), which requires every assertion regarding matters in the record to be supported by appropriate references to page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the

accompanying answer is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 5th day of April, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Robertson, Johnson, Miller & Williamson, over the age of 18, and not a party within this action. I further certify that on April 5, 2024, I electronically filed the foregoing with the Clerk of the Court by using the ECF system, which served the following parties electronically:

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Hon. Elizabeth Gonzalez
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/s/ Teresa Stovak

An Employee of Robertson, Johnson, Miller
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