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9 *Attorneys for State of Nevada, ex rel. its*  
 10 *Department of Transportation*

11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF NEVADA

14 THE STATE OF NEVADA, on relation of its  
 Department of Transportation,  
 15  
 Plaintiff(s),

Case No.: 2:16-cv-665-APG-GWF

16 vs.

**STIPULATED REQUEST TO VACATE  
 REQUEST TO SET ORAL ARGUMENT ON  
 PLAINTIFF’S DISPOSTIVE MOTION (ECF  
 NO. 120) AND TO STAY BRIEFING ON  
 DEFENDANT LANDOWNERS’ PETITION  
 FOR PERMISSION TO APPEAL (ECF NO.  
 124)**

17 UNITED STATES DEPARTMENT OF THE  
 18 TREASURY – INTERNAL REVENUE  
 SERVICE; DARRELL E. JACKSON, a married  
 19 man; THOMAS M. STRAWN, JR., a married  
 man; ANDREW S. LEVY, a married man;  
 20 DAVIDSON INVESTMENTS LIMITED  
 PARTNERSHIP, a Nevada limited partnership;  
 21 JOHN W. BOYER, a married man; MICHAEL  
 ALEXANDER, Trustee of the MICHAEL  
 22 ALEXANDER LIVING TRUST; NEVADA  
 TITLE COMPANY, a Nevada corporation; L. S.  
 23 ENTERPRISES, INC., a Nevada corporation  
 d/b/a American Commonwealth Mortgage Co.;  
 24 EAGLEMARK SAVINGS BANK, a Nevada  
 corporation; STATE OF NEVADA,  
 25 DEPARTMENT OF EMPLOYMENT,  
 TRAINING & REHABILITATION,  
 26 EMPLOYMENT SECURITY DIVISION;  
 CITY OF LAS VEGAS; CLARK COUNTY, a  
 27 political subdivision of the State of Nevada; and  
 all other persons unknown claiming any right,  
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**ORDER**

1 title, estate, lien or interest in the real property  
2 described in the Complaint,

3 Defendant(s).  
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5 Pursuant to LR 7-1, it is hereby stipulated and agreed between Plaintiff THE STATE OF  
6 NEVADA, ON RELATION OF ITS DEPARTMENT OF TRANSPORTATION (“Plaintiff” or “State”),  
7 by and through its attorneys of record, Joe Vadala, Esq. and Janet L. Merrill, Esq. of the Office of the  
8 Nevada Attorney General, and Defendants, UNITED STATES DEPARTMENT OF THE TREASURY  
9 – INTERNAL REVENUE SERVICE, by and through its undersigned attorney of record<sup>1</sup>; DARRELL E.  
10 JACKSON, a married man; THOMAS M. STRAWN, JR., a married man; ANDREW S. LEVY, a  
11 married man; DAVIDSON INVESTMENTS LIMITED PARTNERSHIP, a Nevada limited partnership;  
12 JOHN W. BOYER, a married man; MICHAEL ALEXANDER, Trustee of the MICHAEL  
13 ALEXANDER LIVING TRUST; and L. S. ENTERPRISES, INC., a Nevada corporation d/b/a American  
14 Commonwealth Mortgage Co., (collectively “Defendant Landowners”), by and through their attorneys  
15 of record, Brian C. Padgett, Esq. and Amy L. Sugden, Esq. of the Law Offices of Brian C. Padgett, to  
16 respectfully vacate the prior request to set oral arguments on the Motions for Partial Summary Judgment  
17 and to stay briefing on Defendant Landowners’ Petition for Permission to Appeal until the remaining two  
18 Motions for Partial Summary Judgment are adjudicated:

19 1. On August 17, 2017, the parties filed a Stipulated Request asking the Court to set oral  
20 argument on Plaintiff’s four Motions for Partial Summary Judgment. *See* ECF No. 120.

21 2. On September 15, 2017, the Court granted two of Plaintiff’s four Motions for Partial  
22 Summary Judgment, which relate to two of the three categories of Defendant Landowners’ pre-  
23 condemnation damages claim. *See* ECF No. 69, rental loss and ECF No. 107, holding costs.

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28 <sup>1</sup> The IRS joins this stipulation because it is a named defendant who appeared in the case. The IRS has not, however,  
participated in the briefing on the referenced motions and does not intend to present oral argument on the motions or on the  
Petition.

1           3.       On September 21, 2017, the Court issued a minute order setting oral argument for October  
2 11, 2017 on the remaining two Motions for Partial Summary Judgment:

- 3           a.       ECF No. 110, professional services/pre-condemnation damages; and
- 4           b.       ECF No. 112, just compensation relating to four-year temporary easement.

5 *See* ECF No. 122.

6           4.       On September 28, 2017, the Court denied as moot the parties’ Stipulated Request for Oral  
7 Argument. *See* ECF No. 123.

8           5.       On September 29, 2017, Defendant Landowners filed a Petition for Permission to Appeal  
9 (“Petition”) the Court’s September 15, 2017 Order wherein the Court granted two of Plaintiff’s Motions  
10 for Partial Summary Judgment. *See* ECF No. 124.

11          6.       On October 2, 2017, the Court issued an order setting oral argument on Defendant  
12 Landowners’ Petition for the same October 11, 2017 hearing date. The Order also outlined a briefing  
13 schedule for the Petition. *See* ECF No. 125.

14          7.       On October 3, 2017, Defendant Landowners filed a Motion to Continue the October 11,  
15 2017 Hearing Date. *See* ECF No. 126.

16          8.       On October 4, 2017, the Court vacated the October 11, 2017 hearing date for oral  
17 argument on the two remaining Motions for Partial Summary Judgment. *See* ECF No. 127.

18           WHEREAS in the interests of time, judicial economy and given the statutory mandate to hear the  
19 instant proceeding quickly and within two years (February 23, 2018) pursuant to NRS 37.055 and NRS  
20 37.120, the parties hereby respectfully request the Court vacate their prior request for Oral Argument on  
21 the two remaining Motions for Partial Summary Judgment.

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1 WHEREAS the Court's adjudication of the two remaining Motions for Summary Judgment may  
2 affect the scope of Defendant Landowners' Petition for Permission to Appeal (ECF No. 124) as well as  
3 the scope of matters before the jury. Accordingly the parties respectfully request the Court stay  
4 adjudication of the Defendant Landowners' current Petition as well as vacate such briefing schedule until  
5 the Court's adjudication of the two remaining Motions for Partial Summary Judgment.

6 DATED this 4<sup>th</sup> day of October, 2017.

DATED this 4<sup>th</sup> day of October, 2017.

7 ADAM PAUL LAXALT  
8 Attorney General

LAW OFFICES OF BRIAN C. PADGETT

9 By: /s/ Janet Merrill  
10 Joe Vadala  
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12 Janet Merrill  
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14 State of Nevada  
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By: /s/ Amy Sugden  
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Las Vegas, Nevada 89101  
*Attorneys for Defendant Landowners*

15 DATED this 4<sup>th</sup> day of October, 2017.

16 STEVEN W. MYHRE  
17 Acting United States Attorney

18 By: /s/ Mark Woolf  
19 Mark E. Woolf  
20 Assistant United States Attorney  
21 501 Las Vegas Blvd. So., Ste. 1100  
22 Las Vegas, Nevada 89101  
*Attorneys for the United States Department  
of the Treasury – Internal Revenue Service*

23 **ORDER**

24 IT IS SO ORDERED.

25 

26 UNITED STATES DISTRICT JUDGE

27 Dated: October 4, 2017.