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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE STATE OF NEVADA, on relation of its
Department of Transportation,

Plaintiff(s),

VS.

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

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

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

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 record¹; 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 ¹ 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 4th day of October, 2017.

7 ADAM PAUL LAXALT
8 Attorney General

9 By: /s/ Janet Merrill
10 Joe Vadala
11 Bar. No. 5158
12 Janet Merrill
13 Nevada Bar No. 10736
14 State of Nevada
15 Office of the Attorney General
16 3014 West Charleston Boulevard, Suite 150
17 Las Vegas, Nevada 89102
18 *Attorneys for State of Nevada, ex rel. its
19 Department of Transportation*

6 DATED this 4th day of October, 2017.

7 LAW OFFICES OF BRIAN C. PADGETT

8 By: /s/ Amy Sugden
9 Amy L. Sugden
10 Nevada Bar No. 9983
11 Jeremy B. Duke
12 Nevada Bar No. 13110
13 611 South Sixth Street
14 Las Vegas, Nevada 89101
15 *Attorneys for Defendant Landowners*

16 DATED this 4th day of October, 2017.

17 STEVEN W. MYHRE
18 Acting United States Attorney

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

26 **ORDER**

27 IT IS SO ORDERED.



28 UNITED STATES DISTRICT JUDGE
29 Dated: October 4, 2017.