1	CASE NO. 12 OC 000168 1B REC'D & FILED	
2	DEPT. NO. I 2012 OCT 15 AM 10: 30	
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4	ALAN GLOVER	
5	DEPUTY	
6	IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA	
7	IN AND FOR CARSON CITY	
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9	CITY OF FERNLEY, NEVADA, a Nevada	
10	municipal corporation,	
11	Plaintiff,  ORDER GRANTING A  CONTINUE AND EXECUTION OF TO COMPLETE	
12	STATE OF NEVADA ex rel. THE NEVADA DEPARTMENT OF DISCOVERY	
13	TAXATION; THE HONORABLE KATE MARSHALL, in her official capacity as	
14	TREASURER OF THE STATE OF NEVADA; and DOES 1-20, inclusive.	
15	Defendants.	
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17	This matter is before this Court on Plaintiff's Motion for Continuance Pursuant to NRC	СР
18	56(f) and Notice of Non-Opposition filed on August 20, 2012, as part of an Opposition to	
19	Motion to Dismiss.	
20	Initially, it should be pointed out that there was an Opposition filed against the Motion	as
20 21	Initially, it should be pointed out that there was an Opposition filed against the Motion set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or	
21	set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or	
21 22	set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or October 8, 2012, on page 5, lines 5-8.	1
21 22 23	set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or October 8, 2012, on page 5, lines 5-8.  The Plaintiff submits that the Court's consideration of the Motions to Dismiss filed in	1
21 22 23 24 25	set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or October 8, 2012, on page 5, lines 5-8.  The Plaintiff submits that the Court's consideration of the Motions to Dismiss filed in this matter should be considered as Motion for Summary Judgment; and, as such, that it should	a d
21 22 23 24	set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or October 8, 2012, on page 5, lines 5-8.  The Plaintiff submits that the Court's consideration of the Motions to Dismiss filed in this matter should be considered as Motion for Summary Judgment; and, as such, that it should be given a reasonable opportunity to complete discovery, and therefore have a chance to	a d
21 22 23 24 25 26	set forth in the Nevada Legislature's Reply in Support of Joinder in Motion to Dismiss filed or October 8, 2012, on page 5, lines 5-8.  The Plaintiff submits that the Court's consideration of the Motions to Dismiss filed in this matter should be considered as Motion for Summary Judgment; and, as such, that it should be given a reasonable opportunity to complete discovery, and therefore have a chance to demonstrate a genuine issue of material fact. Citing to <i>Aviation Ventures, Inc. v. Joan Morris,</i>	n d

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Therefore, good cause appearing,

IT IS HEREBY ORDERED that the Motions to Dismiss are DENIED at this time in order to allow the Plaintiff a period of time to complete discovery; and

IT IS HEREBY FURTHER ORDERED that the Defendants, upon completion of a reasonable discovery period, may renew their Motions to Dismiss which will then be duly considered by the Court.

DATED this 12 day of October, 2012.

JAMES 7. RUSSELL District Judge

1	CERTIFICATE OF SERVICE
2	The undersigned, an employee of the District Judge, hereby certifies that on the day
3	of October, 2012, I served the foregoing by depositing a copy thereof in the U.S. Mail at Carson
4	City, Nevada, postage paid, addressed as follows:
5 6 7	Brenda J. Erdoes, Esq. Kevin C. Powers, Esq. J. Daniel Yu, Esq. Legislative Counsel Bureau, Legal Division 401 S. Carson Street
8	Carson City NV 89701
9	Joshua J. Hicks, Esq. Clark V. Vellis, Esq. Sean D. Lyttle, Esq.
10 11	Brownstein Hyatt Farber Schreck, LLP 9210 Prototype Drive #250 Reno NV 89521
12 13 14 15	Catherine Cortez Masto, Esq. Gina C. Session, Esq. Andrea Nichols, Esq. Office of the Attorney General 5420 Kietzke Lane #202 Reno NV 89511
16	Condrue
17	Christine Erven Judicial Assistant, Department I
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