

ORIGINAL

FILED

1 David M. Norris, Esq.
2 State Bar No. 638
3 KUMMER KAEMPFER BONNER RENSHAW & FERRARIO
4 5585 Kietzke Lane
5 Reno, NV 89511
6 (775) 852-3900

2008 OCT 14 PM 2:40

STOREY COUNTY CLERK

BY *W. Bacus*
DEPUTY

FILED

5 Stephen C. Mollath, Esq.
6 State Bar No. 922
7 PREZANT & MOLLATH
8 6560 SW McCarran Blvd., Suite A
9 Reno, NV 89509
10 (775) 786-3011

OCT 22 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

11 Attorneys for VIRGINIA HIGHLANDS, LLC

12 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13 **IN AND FOR THE COUNTY OF STOREY**

14 VIRGINIA HIGHLANDS, LLC, a Nevada
15 limited liability company,

16 Petitioner,

No. 52619

17 vs.

Case No. CV-20121
Department No. II (Case assigned to
Justice Miriam Shearing)

18 STOREY COUNTY, a political subdivision
19 of the State of Nevada,

20 Respondent.

21 _____ /
22 **NOTICE OF APPEAL**

23 VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company, the above-named
24 Petitioner, appeals to the Supreme Court of the State of Nevada from the Decision and Order
25 dated September 25, 2008, pursuant to the hearing of the Court on September 22, 2008 and
26 entered on October 8, 2008.
27

28 **RECEIVED**
OCT 22 2008
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

08-27171

1 The party to the above Decision and Order appealed from, and the name and address
2 of its attorneys, is as follows:

3 STOREY COUNTY, a political subdivision of the State of Nevada
4 Mark H. Gunderson, Esq.
5 3895 Warren Way
6 Reno, NV 89509

7 Keith Loomis, Esq.
8 300 W. Second St.
9 Carson City, NV 89703

10 DATED this 13th day of October, 2008.

11 **KUMMER KAEMPFER BONNER**
12 **RENSHAW & FERRARIO**

13 and

14 **PREZANT & MOLLATH**

15 By 

16 _____
17 Stephen C. Mollath, Esq.
18 Attorneys for Petitioner
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**FIRST JUDICIAL DISTRICT COURT
COUNTY OF STOREY, STATE OF NEVADA**

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, **NOTICE OF APPEAL**, filed in Case No. CV-20121.

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet (NRS 125-130, NRS 125.230 and NRS 125B.055)

DATED this 13th day of October, 2008.

PREZANT & MOLLATH

By _____

Stephen C. Mollath, Esq.
Attorney for Petitioner

CERTIFIED COPY

The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in this office.

Date 10/21/08
Storey County Clerk and Ex-Officio Clerk of the First
Judicial District of the State of Nevada.

and for Storey County
By [Signature], Deputy

CERTIFICATE OF SERVICE

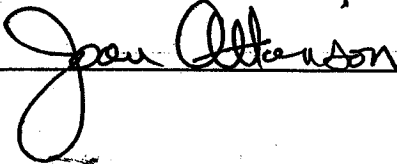
Pursuant to NRCP Rule 5(b), I certify that I am an employee of PREZANT & MOLLATH and that on this 14th day of October, 2008, I served the foregoing document(s) on the party(s) set forth below by:

- Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- Personal delivery.
- Facsimile (FAX).
- Federal Express or other overnight delivery.
- Reno/Carson Messenger Service.

addressed as follows:

Mark H. Gunderson, Esq.
3895 Warren Way
Reno, NV 89509

Keith Loomis, Esq.
300 W. Second St.
Carson City, NV 89703



ORIGINAL

FILED

1 David M. Norris, Esq.
2 State Bar No. 638
3 KUMMER KAEMPFER BONNER RENSHAW & FERRARIO
4 5585 Kietzke Lane
5 Reno, NV 89511
6 (775) 852-3900

2008 OCT 20 PM 12:46

STOREY COUNTY CLERK

BY 
DEPUTY

5 Stephen C. Mollath, Esq.
6 State Bar No. 922
7 PREZANT & MOLLATH
8 6560 SW McCarran Blvd., Suite A
9 Reno, NV 89509
10 (775) 786-3011

11 Attorneys for VIRGINIA HIGHLANDS, LLC

12 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13 **IN AND FOR THE COUNTY OF STOREY**

14 VIRGINIA HIGHLANDS, LLC, a Nevada
15 limited liability company,

16 Petitioner,

17 vs.

Case No. CV-20121
Department No. II (Case assigned to
Justice Miriam Shearing)

18 STOREY COUNTY, a political subdivision
19 of the State of Nevada,

20 Respondent.

21 _____ /
22 **CASE APPEAL STATEMENT**

23 1. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company, is filing this
24 case appeal statement.

25 2. The Honorable Justice Miriam Shearing issued the Decision and Order appealed
26 from.
27

1 3. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company and STOREY
2 COUNTY, a political subdivision of the State of Nevada are the parties to the proceedings in
3 the District Court.

4 4. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company and STOREY
5 COUNTY, a political subdivision of the State of the State of Nevada are parties to this appeal.
6

7 5. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company
8 c/o Stephen C. Mollath, Esq.
9 PREZANT & MOLLATH
10 6560 SW McCarran Blvd., Suite A
11 Reno, NV 89509
12 775-786-3011

13 and

14 David M. Norris, Esq.
15 KUMMER KAEMPFER BONNER RENSHAW
16 & FERRARIO
17 5585 Kietzke Lane
18 Reno, NV 89511
19 775-852-3900

20 STOREY COUNTY, a political subdivision of the State of Nevada
21 c/o Mark Gunderson, Esq.
22 3895 Warren Way
23 Reno, NV 89509
24 775-829-1222

25 and

26 Keith Loomis, Esq.
27 9468 Double R. Blvd., Suite A
28 Reno, NV 89521
775-887-1002

6. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company retained Mr.
Mollath in the District Court proceedings.

7. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company has retained
Mr. Mollath in these appeal proceedings.

1 8. VIRGINIA HIGHLANDS, LLC, a Nevada limited liability company was not granted
2 leave to proceed in forma pauperis.

3 9. The district court proceeding commenced on September 11, 2007, when the
4 Petition was filed.

5 DATED this 16th day of October, 2008.

6 **KUMMER KAEMPFER BONNER**
7 **RENSHAW & FERRARIO**

8 and

9 **PREZANT & MOLLATH**
10

11
12 By 

13 _____
14 Stephen C. Mollath, Esq.
15 Attorneys for Petitioner
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**FIRST JUDICIAL DISTRICT COURT
COUNTY OF STOREY, STATE OF NEVADA**

**AFFIRMATION
Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding document, **CASE APPEAL STATEMENT**, filed in Case No. CV-20121.

Document does not contain the social security number of any person

-OR-

Document contains the social security number of a person as required by:

A specific state or federal law, to wit:

-or-

For the administration of a public program

-or-

For an application for a federal or state grant

-or-

Confidential Family Court Information Sheet (NRS 125-130, NRS 125.230 and NRS 125B.055)

DATED this 16th day of October, 2008.

PREZANT & MOLLATH

By _____


Stephen C. Mollath, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I certify that I am an employee of PREZANT & MOLLATH and that on this 20th day of October, 2008, I served the foregoing document(s) on the party(s) set forth below by:

- Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- Personal delivery.
- Facsimile (FAX).
- Federal Express or other overnight delivery.
- Reno/Carson Messenger Service.

addressed as follows:

Mark H. Gunderson, Esq.
3895 Warren Way
Reno, NV 89509

Keith Loomis, Esq.
300 W. Second St.
Carson City, NV 89703

Jean Attenson

CERTIFIED COPY
 The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in this office.
 Date 10/21/08
 Storey County Clerk and Ex-Officio Clerk of the First Judicial District of the State of Nevada.
 In and for Storey County
 By [Signature], Deputy

10/20/2008	APPEAL BOND DEPOSIT	
	Attorney: MOLLATH, STEPHEN C (922) Receipt:	250.00
	51 Date: 10/21/2008	
10/20/2008	CASE APPEAL STATEMENT	
10/14/2008	NOTICE OF APPEAL FILED Receipt: 50 Date:	
	10/21/2008	24.00
10/09/2008	NOTICE OF CHANGE OF FIRM ADDRESS	
10/09/2008	NOTICE OF ENTRY OF ORDER	
09/25/2008	DECISION AND ORDER	
08/15/2008	RESPONDENT STOREY COUNTY'S ANSWERING BRIEF MEMORANDUM OF POINTS AND AUTHORITIES	
06/09/2008	ERRATUM TO CERTIFICATE OF SERVICE	
06/04/2008	NOTICE OF HEARING	
05/27/2008	NOTICE OF CHANGE OF ADDRESS AND CONTACT INFORMATION	
05/15/2008	ORDER	
05/15/2008	REQUEST FOR SUBMISSION	
05/15/2008	STIPULATION TO EXTEND BRIEFING SCHEDULE AND CONTINUE HEARING DATE	
04/17/2008	POINTS AND AUTHORITIES	
04/02/2008	NOTICE OF HEARING	
03/13/2008	TRIAL DATE MEMO	
03/03/2008	NOTICE OF HEARING	
11/21/2007	NOTICE OF JOINDER IN REQUEST FOR STATUS CONFERENCE	
11/20/2007	REQUEST FOR STATUS CONFERENCE	
11/06/2007	CERTIFICATE OF SERVICE	
11/06/2007	MEMORANDUM OF TEMPORARY ASSIGNMENT	
11/02/2007	REQUEST FOR SUBMISSION	
11/02/2007	CERTIFICATE OF SERVICE	
11/02/2007	ORDER OF RECUSAL AND REQUEST FOR ASSIGNMENT	
11/02/2007	REPLY TO OPPOSITION TO PARTIAL MOTION TO DISMISS	
11/02/2007	ANSWER AND COUNTERCLAIM- STOREY COUNTY	73.00
10/16/2007	OPPOSITION TO PARTIAL MOTION TO DISMISS	
10/05/2007	PEREMPTORY CHALLENGE OF JUDGE	
10/05/2007	MOTION TO DISMISS BY DEFENDANT	
09/11/2007	PETITION/COMPLAINT FILED (\$156.00 FEE)	156.00
*** End of Report ***		

CERTIFIED COPY
The document to which this certificate is
is attached is a full, true, and correct copy of the original on
file and of record in this office.
Date 10/21/08
Storey County Clerk and Ex-Officio Clerk of the First
Judicial District of the State of Nevada.
in and for Storey County
By W. Thomas, Deputy

ORIGINAL

FILED

1 GUNDERSON LAW FIRM
2 Mark H. Gunderson, Esq.
3 Nevada State Bar No. 2134
4 Elaine S. Guenaga, Esq.
5 Nevada State Bar No. 5008
6 3895 Warren Way
7 Reno, Nevada 89509
8 Telephone: 775.829-1222
9 Facsimile: 775.829-1226

2008 OCT 9 PM 12:55

STOREY COUNTY CLERK

BY W. Bacon
DEPUTY

7 LAW OFFICE OF KEITH LOOMIS
8 Keith Loomis, Esq.
9 9468 Double R. Blvd., Suite A
10 Reno, Nevada 89521
11 Telephone: 775.887.1002
12 Facsimile: 775.883.1987
13 Attorneys for Respondent

12 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
13 **IN AND FOR STOREY COUNTY**

14 VIRGINIA HIGHLANDS, LLC, a Nevada limited liability
15 company,
16 vs. Petitioner,

Case No. CV-20121

Dept. No. I

17 STOREY COUNTY, a political subdivision of the State of
18 Nevada,
19 Respondent.

20 _____ /
21 **NOTICE OF ENTRY OF ORDER**

22 PLEASE TAKE NOTICE that on September 24, 2008 Senior Judge Miriam Shearing
23 executed the Decision and Order denying the relief sought by Petitioner, Virginia Highland, LLC.

24 ///

25 ///

26 ///

27 ///

28 ///

1 A copy of the Decision and Order is attached as Exhibit 1 which is incorporated by reference
2 as if fully set forth at this point.

3 DATED this 9th day of October, 2008.

4 GUNDERSON LAW FIRM

5
6 By: Elaine S. Guenaga
7 Mark H. Gunderson, Esq.
8 Nevada State Bar No. 2134
9 Elaine S. Guenaga, Esq.
10 Nevada State Bar No. 5008
11 Attorneys for Respondent
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1 Case No. CV-20121

2 Dept. No. I

3

4 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

5

IN AND FOR THE COUNTY OF STOREY

6

VIRGINIA HIGHLANDS, LLC, a Nevada limited liability
7 company,

Case No. CV-20121

8

Petitioner,

Dept. No. I

9

10 vs.

11

STOREY COUNTY, a political subdivision of the State of
12 Nevada,

13

Respondent.

14

15

AFFIRMATION

Pursuant to NRS 239.030

16

The undersigned does affirm that the proceeding document **DOES NOT** contain the social

17

security number of any person: (list document[s] attached below)

18

19

1) NOTICE OF ENTRY OF ORDER

20

2) _____

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3) _____

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- OR -

23

The undersigned does affirm that the document named below **DOES** contain the social

24

security number of a person as required by state or federal law or for the administration of a public

25

program or for an application for a federal or state grant: (list the document[s] attached containing

26

social security number information below)

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DATED this 8th day of October, 2008.

GUNDERSON LAW FIRM

By: Elaine S. Guenaga
Mark H. Gunderson, Esq.
Nevada State Bar No. 2134
Elaine S. Guenaga, Esq.
Nevada State Bar No. 5008
Attorneys for Respondent

CERTIFIED COPY

The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in this office.

Date 10/21/08

Storey County Clerk and Ex-Officio Clerk of the First Judicial District of the State of Nevada.

in and for Storey County
By W. P. ..., Deputy

FILED

1 Case No. CV20121

2008 SEP 25 PM 3:50

2 Dept. No. 1

STOREY COUNTY CLERK

BY *[Signature]*
DEPUTY

3
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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF STOREY**

8 ~~-000-~~

9 VIRGINIA HIGHLANDS, LLC, a Nevada
10 limited liability company,

11 Petitioner,

12 vs.

13 STOREY COUNTY, a political subdivision
of the State of Nevada,

14 Respondent.

DECISION AND ORDER

15
16 This is a petition for judicial review by Virginia Highlands, LLC, a real estate
17 development company, challenging the decision of the Storey County Commission denying
18 an application for an amendment to the Storey County Master Plan. Virginia Highlands asks
19 for review of the Storey County decision under NRS 278.0233, Actions Against Agencies,
20 and NRS Chapter 30.010, the Uniform Declaratory Judgment Act.

21 On February 26, 2007, Virginia Highlands filed with Storey County a Master Plan
22 Amendment Application and a Zone Change Application seeking a mixed-use residential
23 Planned Unit Development for 8,600 acres in Storey County. Before the property was
24 purchased by Virginia Highlands, it had been used since 1986 as a manufacturing, storage
25 and testing facility for ammunition, rocket propellant and explosives and was zoned Special
26 Industrial Use.

27 On December 20, 1994, Storey County adopted its Master Plan. The Master Plan
28 contained the following statement regarding the property now owned by Virginia Highlands:

1 A short distance beyond the disposal site is the turnoff to the Aerojet of
2 Nevada facility, which is at the end of a winding two lane road. This high-tech
3 explosives manufacturing and testing facility is intentionally located in an area
4 four miles from any other development. As such it provides an unusual
5 planning and land use opportunity. With the existing two-plus mile buffer
6 around it, consideration should be given to classifying the area a "high risk
7 industrial" zone. The "high risk industrial" classification could be defined to
8 include similar facilities. Property tax rates for this classification would reflect
9 costs related to providing additional services. It is likely that many firms
10 involved in same or similar types of manufacturing and/or testing would be
11 interested in relocating to an area which already had the necessary regulatory
12 framework in place.

13 Virginia Highlands' argument regarding its application for the Master Plan
14 amendment is two-fold. First it argues that the statement regarding the Aerojet property was
15 not the result of a rational planning process, but was rather merely the recognition of a prior
16 existing Special Use Permit which was imposed by a prior Stipulation and Court Order
17 involving a predecessor of Virginia Highlands. Therefore, it argues, the statement is not
18 really a part of the Master Plan and should be given no consideration.

19 The second argument of Virginia Highlands regarding the amendment application is
20 that even if the Special Industrial designation of the property is consistent with the Storey
21 County Master Plan, Virginia Highlands' request for a Mixed Use Residential designation
22 is also consistent with the Master Plan; and the high risk industrial designation is no longer
23 appropriate since those high-risk functions have been abandoned. Therefore, for both
24 reasons, the Master Plan Amendment Application was unnecessary and the Commissioners
25 had to consider the Zone Change Application.

26 At the Commission meeting on August 21st, 2007, at which the amendment
27 application was considered, the Storey County Commission denied the Master Plan
28 Amendment Application and did not consider the Zone Change Application. The question
for this court, then, is whether the denial of the Master Plan Amendment Application was
appropriate.

Virginia Highlands maintains that the statement in the Master Plan regarding its
property is not to be considered because it was not part of a rational and deliberative planning
process, but rather merely recognition of a prior court order allowing high-risk use. The

1 language of the statement belies that view. The statement recognizes that because of the
2 location of the property four miles from any other development "it provides an unusual
3 planning and land use opportunity." It goes on to say:

4 Property tax rates for this classification would reflect costs related to providing
5 additional services. It is likely that many firms involved in the same or similar
6 types of manufacturing and/or testing would be interested in relocating to an
7 area which already had the necessary regulatory framework in place.

8 The Commissioners were looking to attract other businesses of the same type, thereby
9 generating more taxes. They were not looking to the past, but had a rational basis for
10 maintaining the high-risk use designation into the future. The statement in the Master Plan
11 regarding the property now owned by Virginia Highlands cannot be ignored or read out of
12 the plan. The Commission clearly intended to maintain the property for special industrial use
13 as part of the Master Plan.

14 The housing development proposed by Virginia Highlands for its property is not
15 consistent with this Master Plan. A master plan is to serve as a pattern and guide for the
16 growth and development of the county. Therefore, an amendment to the Master Plan would
17 be necessary if the Virginia Highlands development project were to go forward.

18 This court must give deference to the legislative determination of the Storey County
19 Commission that it did not wish to amend its Master Plan. Although the Nevada Supreme
20 Court has not dealt directly with the standard of review of a county decision not to amend
21 a master plan, it is clear that the court must be highly deferential to the enacting body. As
22 the Nevada Supreme Court said in *Coronet Homes, Inc. v. McKenzie*, 84 Nev. 250, 255-56,
23 439 P.2d 219, 223 (1968), in the context of a land use request:

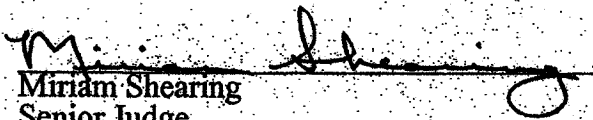
24 The days are fast disappearing when the judiciary can look at a zoning
25 ordinance and, with nearly as much confidence as a professional zoning expert,
26 decide upon the merits of a zoning plan and its contribution to the health,
27 safety, morals or general welfare of the community. Courts are becoming
28 increasingly aware that they are neither super boards of adjustment nor
planning commissions of last resort.

29 Nevada law, thus, is consistent with the law of Minnesota as articulated in *Concept*
30 *Properties, LLP v. City of Minnetrista*, 694 N.W. 2d 804, 814 (Minn. App. 2005). A

1 municipal body acts in a legislative capacity when it adopts or amends a comprehensive
2 land-use plan. *Id.* Municipal bodies have broad discretion in making zoning and land-use
3 decisions. *Id.* Courts will reverse zoning decisions only where there are no grounds for
4 reasonable debate and where the action of the municipal body is arbitrary, capricious,
5 discriminatory, or illegal. *Id.* The evidence presented by Virginia Highlands was not
6 sufficient to support the view that any of these defects apply to the Storey County refusal to
7 amend its Master Plan.

8 For the foregoing reasons, this court denies Virginia Highlands' prayer that Storey
9 County be ordered to approve the Application for Amendment to the Master Plan. Since this
10 court has concluded that the Virginia Highlands' Zoning Application was inconsistent with
11 the Master Plan and finds that the Storey County Commission never considered the Zoning
12 Application, this court also denies Virginia Highlands' prayer that its Zoning Application be
13 approved. This court also concludes that there is no basis for any relief to Virginia
14 Highlands under NRS 278.0237.

15 IT IS SO ORDERED this 24th day of September, 2008.

16
17
18 
19 Miriam Shearing
20 Senior Judge
21
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court in and for Carson City and Storey County, and that on this 25th day of September, 2008, served by the following method of service:

- regular U.S. Mail overnight UPS
- certified U.S. Mail overnight Federal Express
- registered U.S. Mail Fax to #
- hand delivery personal service

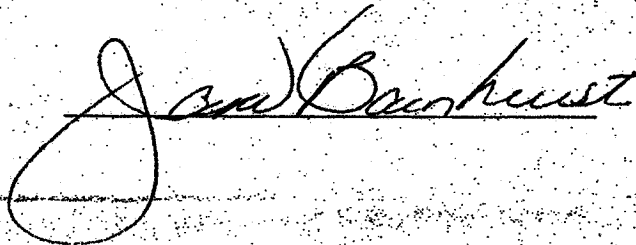
a true copy of the foregoing **DECISION AND ORDER** addressed to:

Mark E. Amodei, Esq.
9210 Prototype Way, Suite 200
Reno, NV 89521

Stephen Mollath, Esq.
Prezant & Mollath
6560 S.W. McCarran Blvd., Suite A
Reno, NV 89509

Mark H. Gunderson, Esq.
5345 Kietzke Lane, Suite 200
Reno, NV 89511

The Honorable Miriam Shearing



CERTIFIED COPY

The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in this office.

Date 10/21/08
Storey County Clerk and Ex-Officio Clerk of the First
Judicial District of the State of Nevada.

By [Signature] Deputy
in and for Storey County

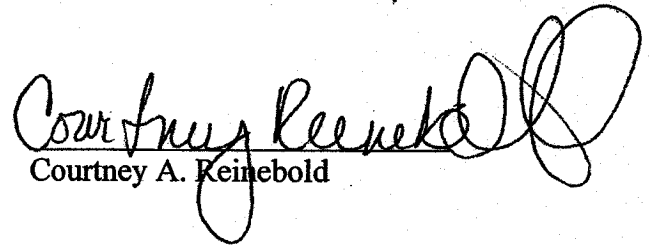
CERTIFICATE OF SERVICE

Pursuant to NRCF 5(b), I certify that I am an employee of the law office of GUNDERSON LAW FIRM, and that on the 8 day of October, 2008, I deposited for mailing in Reno, Nevada, a true and correct copy of the **NOTICE OF ENTRY OF ORDER**, addressed to:

Stephen C. Mollath, Esq.
6560 SW McCarran Blvd. Suite A
Reno, NV 89509

Keith Loomis, Esq.
Law Office of Keith Loomis
9468 Double R. Blvd., Suite A
Reno, Nevada 89521

Justice Miriam Shearing
Senior Justice
Supreme Court Building
201 South Carson Street, Suite 201
Carson City, NV 89701-4702


Courtney A. Reinebold

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STOREY COUNTY
Case No. CV 20121

Title: VIRGINIA HIGHLANDS, LLC
VS
STOREY COUNTY

Court Minutes

**Date, Judge
Officers of
Court Present**

Appearances - Hearing

Continued To:

<p>9/22/2008 Justice, Miriam Sherring Deputy Clerk, Vanessa Dixon Court Reporter, Corrie L. Wolden</p>	<p>Judicial Review Present: Counsel for plaintiff Stephen C. Mollath. Defendant with Counsel Mark H. Gunderson. Opening comments made by Stephen C. Mollath Rebuttal comments made by Mark H. Gunderson Closing comments made by Stephen C. Mollath Justice Sherring stated she would take the comments under advisement.</p>	
--	--	--

CERTIFIED COPY
The document to which this certificate is
is attached is a full, true, and correct copy of the original on
file and of record in this office.
Date 10/21/08
Storey County Clerk and Ex-Officio Clerk of the First
Judicial District of the State of Nevada.
in and for Storey County
By [Signature], Deputy

**SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

VIRGINIA HIGHLANDS, LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

STOREY COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF
NEVADA,
Respondent.

Supreme Court No. 52619

District Court Case No. CV20121

RECEIPT FOR DOCUMENTS

TO: Kummer Kaempfer Bonner & Renshaw/Reno and David M. Norris
Prezant & Mollath and Stephen C. Mollath
Keith Loomis
Gunderson Law Firm and Mark H. Gunderson
Lorraine Dufresne , Storey Co. Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

10/22/08	Received Filing Fee. \$250.00 from Stephen C Mollath P.C. check no. 3239.
10/22/08	Filed Certified Copy of Notice of Appeal. Notice Re Settlement Conference Program and Suspension of Rules mailed to all counsel. (The requesting of transcripts and briefing are stayed pursuant to NRAP 16(a)(1). Docketing Statement Form mailed to counsel for appellant(s).)

DATE: October 22, 2008

Tracie Lindeman, Clerk of Court