

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHELLE LADNER,  
Appellant,  
vs.  
EUGENE T. STANTEN, II; PREKEI  
STANTEN; ALCHEMY INVESTMENTS,  
LLC; RUSHMORE LOAN  
MANAGEMENT; VEGAS VALLEY  
EVICTION SERVICES; WFG TITLE  
COMPANY; AND FIRST AMERICAN  
TITLE INSURANCE COMPANY,  
Respondents.

No. 85013-COA

FILED

SEP 19 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY \_\_\_\_\_  
DEPUTY CLERK

*ORDER DENYING MOTIONS*

Appellant has filed a motion for a stay of the district court's order on appeal. The motion is opposed by respondent Alchemy Investments, LLC,<sup>1</sup> and appellant has filed an objection to the opposition. Appellant claims that moving first in the district court is impracticable and that she should not have to post a supersedeas bond. NRAP 8(a). This court has consistently held that a party ordinarily must move for a stay in the district court in the first instance. NRAP 8(a)(1)(A), (2)(A). This is particularly so when seeking a bond waiver, given the district court's superior position in resolving factual disputes. *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005), *as modified* (Jan. 25, 2006) ("This requirement is grounded in the district court's vastly greater familiarity with the facts and circumstances of the particular case."). The district court denied appellant's motion for a stay on July 14, 2023, on the ground that

---

<sup>1</sup>Appellant has filed notices that the remaining respondents have not responded to appellant's motions.

appellant has not posted a supersedeas bond. Appellant has not demonstrated that a stay without bond is warranted. The motion is denied.

Appellant's motion to transmit additional materials added to the record since she filed her notice of appeal is denied. This court's review on appeal is limited to the record that was actually before the district court. *See* NRAP 10; *Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (this court's review is limited to the record made in and considered by the district court). The district court record has been transmitted to this court.

It is so ORDERED.<sup>2</sup>



\_\_\_\_\_, C.J.

cc: Michelle Ladner  
Avalon Legal Group LLC  
Eugene T. Stanten, II  
First American Title Insurance Company  
Prekei Stanten  
Roger P. Croteau & Associates, Ltd.  
Vegas Valley Eviction Services  
WFG Title Company

---

<sup>2</sup>No cause appearing, appellant's motion for reconsideration of this court's July 21, 2023, order granting a telephonic extension of time for respondent to respond to the motion for stay is denied. *See* NRAP 26(b)(1)(B); *McConnell v. State*, 121 Nev. 25, 26, 107 P.3d 1287, 1288 (2005) (moving party bears burden of "demonstrating that this court overlooked or misapprehended any material points of law or fact"); *see also* NRAP 40. Appellant's motion to "Move Swiftly Forward and Put a Temporary Stay in Place Pending Consideration of Motion for Stay Pending Appeal," filed on August 15, 2023, is denied as moot.