

Original

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SEP 27 2023

ELIZABETH A. BROWN  
CLERK OF SUPERIOR COURT  
BY *Melissa J. Jones*  
DEPUTY CLERK

1	Michelle Ladner	
2	Plaintiff, Appellant	Contains 6 pages plus documents
3	428 Steed Circle	well explained and well
4	North Las Vegas, Nevada	documented. Please read and
5	Urgent 89030	review each page very care-
6	(702) 354-7580	fully, and please expedite.
7	Respectfully Submitted	There was no judgment and
8	Letter: September 25, 2023	no bond or supersedeas bond to
9	Reply to this court's decision	be paid. The district Court
10	of my motions for stay	didn't give me my relief
11	The Supreme Court of the	This is a very important
12	State of Nevada,	Response. It contains
13	Office of the Clerk	very important information.
14	201 South Carson Street	See next Page.
15	Suite 201	
16	Carson City, Nevada 89701	Additional Note: In this filing,
17	Case No.: 85013-COA	I have demonstrated that a
18	District Court Case	stay without a supersedeas
19	No.: A-18-783443-C	bond or bond is appropriated
20		(I have demonstrated that
21	The district Court	I should have a stay
22	denied my motion for stay	without a supersedeas
23		bond or bond.
24		see next Page.
25		

RECEIVED  
SEP 26 2023  
ELIZABETH A. BROWN  
CLERK OF SUPERIOR COURT  
DEPUTY CLERK

1

23-31623

1 Michelle Ladner,  
2 Plaintiff, Appellant  
3 428 Steed Circle  
4 North Las Vegas, Nevada  
5 Urgent 89030  
6 (702) 354-7580.

contains 6 pages plus documents  
well explained and well  
documented. Please read and  
review each page very care-  
fully, and please expedite.  
There was no judgment, and no  
bond or supersedeas bond to  
be paid

7 Respectfully Submitted  
8 Letter: September 26, 2023, Reply to  
9 this court's decision of my motions for Stay  
10 The Supreme Court of  
11 the State of Nevada  
12 Office of the Clerk  
13 The Court of Appeals of  
14 the State of Nevada  
15 Office of the Clerk

Very important Response.  
It contains other very  
important information.

16 Case No: 85013-COA  
17 District Court Case  
18 No: A-18-783443-C

19 201 South Carson Street  
20 Suite 201  
21 Carson City, Nevada 89701

22 The enclosed order filed on September 19, 2023 from the  
23 Court of appeals of the state of Nevada which states that  
24 appellant has filed a motion for stay of the district Court's  
25 order on appeal, and that the district Court denied  
appellant's motion for stay on the ground that appellant

1 has not posted a supersedeas bond and that appellant  
2 has not demonstrated that a stay without bond is  
3 warranted and states that the motion is denied.

4  
5 In regards to the pertinent district Court Order on  
6 Appeal: Regarding the pertinent district Court order  
7 on appeal, there was no judgment. There was no  
8 judgment against me, the plaintiff, appellant. There was  
9 no judgment to base a supersedeas bond or bond on.  
10 There was no judgment so there wasn't a bond to be  
11 paid, or supersedeas bond to be paid. In reference  
12 to this, refer to that pertinent District Court bench trial  
13 decision order which is enclosed as Exhibit B and  
14 which was filed on June 13, 2022, and refer to the  
15 enclosed Exhibit A, Pages 1, 2, and 3 which does  
16 Explain: That an appeal bond, or supersedeas bond, is  
17 required when an appellant is seeking a delay of payment  
18 that was awarded in a judgment until the appeal is  
19 complete. The bond will stay or hold the execution on  
20 a judgment until the case is finalized in a higher  
21 court, that a defendant appeal or supersedeas surety  
22 bond is posted by the losing party in a court case. It  
23 guarantees that the appellant - the person appealing the  
24 will pay the original judgment if the appeal fails or is  
25 denied.

22 Also, within Pages 1, 2, and 3 of the enclosed Exhibit A  
23 it explains that by filing an appeal, a plaintiff doesn't have  
24 much to lose, aside from the attorney fees and court costs.  
25 IF a defendant loses though and wants to appeal, a Supersedeas

1 Bond is usually required because there is a judgment that  
2 must be collected and paid. I'm the plaintiff, appellant  
3 and there isn't a judgment against me. Further  
4 explanations of that enclosed Exhibit A is that when  
5 a defendant loses in court, they might choose to appeal the  
6 decision to a higher court, usually to stay execution of  
7 the judgment. When this happens, the court might require  
8 the defendant to secure a Supersedeas Bond. See impor-  
9 tant Note below and come back and read line 9 thru 21 of this page.

9 If the pertinent district Court order on appeal was a  
10 judgment, it would be valid but not enforceable because  
11 it doesn't have a notice of entry of judgment and  
12 this is attested to by the enclosed Exhibit #4a which  
13 states: NRCP 58, (d) Judgment Roll. The judgment, as  
14 signed and filed, constitutes the judgment roll. (e)  
15 Notice of Entry of Judgment: (1) Within 14 days after entry  
16 of a judgment or an order, a party designated by the court  
17 under Rule 58(b)(2) must serve written notice of such  
18 entry, together with a copy of the judgment or order,  
19 upon each party who is not in default for failure to  
20 appear and must file the notice of entry with the  
21 clerk of the court. (2) Failure to serve written notice of  
22 entry does not affect the validity of the judgment, but  
23 the judgment may not be executed upon until notice of  
24 its entry is served.

22 \* Important Note: The aforesaid explained information  
23 regarding that there was no district Court judgment etc.  
24 in regards to a Supersedeas bond or bond was explained  
25 to the district Court and I, the plaintiff, appellant asked



1 the district Court to not allow payment of a supersedeas  
2 bond or bond because there was no judgment so there  
3 was no bond to be paid - all was explained and asked  
4 in my district Court objection to defendant Alchemy's  
5 opposition to my district Court motion for stay.

6 The district Court did not afford my relief (the  
7 district Court did not give me my relief). The district  
8 Court denied my motion for stay, and the Court of  
9 Appeals of the state of Nevada's order filed on September  
10 19, 2023 states that the district court denied appellant's  
11 motion for a stay on July 14, 2023, on the ground that  
12 appellant has not posted a supersedeas bond.

13 There was no district Court judgment, no notice of  
14 entry of judgment, no amount of judgment for a  
15 supersedeas bond or bond to be placed on. I, the  
16 plaintiff, appellant wasn't confronted with a judgment,  
17 a notice of entry of judgment, an amount of judgment  
18 or an execution, and the bench trial decision order  
19 of the district Court was filed on June 13, 2022. My  
20 understanding is that defendant Alchemy stated that it doesn't show in  
21 the district Court's record that I posted a bond and my reply was that I  
22 did when I filed my appeal but that was for my appeal - I explained in my filings

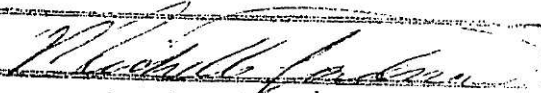
23 With sincere respect, I, the plaintiff, appellant, Michelle Ladner,  
24 respectfully ask this Court to reconsider its order denying my  
25 motions for stay and to move forward and grant my motions for stay

26 I am in very much need for this filing to be expediated. I  
sincerely ask this court to please expedite. Now refer back to  
page 4 of this letter and read Line #9 thru Line # 21, then continue  
starting on page 6 of this letter.

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I stated in my district Court filings that the five hundred dollar bond that I paid was for my appeal, and that it wasn't for a motion for stay.

Respectfully  
Submitted By:

  
Michelle Ladner, Plaintiff-Appellant  
428 Steed Circle  
North Las Vegas, Nevada  
89030  
(702) 354-7580

Dated 9-25-23

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

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<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

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<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.



Exhibit

A

(Supersedeas Bond)  
Information

A defendant appeal or supersedeas surety bond is posted by the losing party in a court case. It guarantees that the appellant -- the person appealing the ruling -- will pay the original judgment if the appeal fails or is denied.

An appeal bond, or supersedeas bond, is required when an appellant is seeking a delay of payment that was awarded in a judgement until the appeal is complete. The appeal bond will stay or hold the execution on a judgement until the case is finalized in a higher court.

When a court case is to be appealed, it is brought before a higher court. The higher court does not look at new evidence, instead it will review objected issues found in the lower court trial.

## Staying a Judgement

To stay the judgment, the court will often require some type of security. This security ensures that the interest of the judgement debtor by the delay of the execution of the judgement and the debtor's ability to satisfy the judgement is not impaired or altered during the appeal process.

Each court has judicial discretion when determining the bond amount of the judgement, decree, or final order. The surety bond amount will usually include the judgement (or decree) amount, plus court costs, appeal related attorney's fees and interest. Courts may limit the maximum amount of the bond (such as the State of Arkansas limits the bond to \$25,000,000), regardless of the amount of the judgement.

## How Much Will an Appeal or Supersedeas Bond Cost?

The Premium amount of an appeal surety bond or superdeas surety bond is determined by the amount of the judgement, plus any interest and any other costs. Appeal bonds require 100% collateral and must be provided prior to the bond being issued.

### Related Links:

[Supersedeas Definition by Wikipedia](#)

[Appeal Bond—What It Is, How It Works, and Why It Needs to Be Factored Into Your Litigation Strategy](#)

## More Surety Bond Questions?

Check out our FAQ page or What's a Surety Bond? page. Should you need or choose to buy a surety bond, call us first. SuretyGroup.com has been underwriting surety bonds throughout the U.S. for more than 35 years. When you work with us, you enjoy the unique benefit of dealing with a team of highly experienced surety agents with in-house underwriting authority. This allows you to receive competitive, low rates, quick approvals, and immediate bond delivery. In most cases, your bond will be delivered within 24 hours after you apply for it.

Exhibit A, Page 1

Exhibit A, Page 1

# Supersedeas Bond Cost

Supersedeas Bonds (Appeal Bonds) are usually **in the amount** of the original judgement, but the court could require the amount to be more.

You will not have to pay the entire bond amount to get bonded.

You will pay a percentage of the total bond amount. You might also need to provide in addition to the bond premium.

The best way to see what you'd pay is to get a free quote:

Appeal Bonds remain in effect until the litigation has been finalized, and while this is often accomplished in a year, these bonds sometimes remain in effect for longer periods of time.

# Supersedeas Bond Example

For example, if Joe and Barbara are in a trial and the court finds Barbara in favor and rules Joe to pay Barbara \$50,000, Joe could file an appeal to a higher court. If he wants to do this, he would need to get a Supersedeas Bond. The Supersedeas Bond would have to be in the amount of at least \$50,000 to prove to the court that if he loses, he has the full amount to pay Barbara.

If Joe does not pay Barbara, she can make a claim against his bond. You can

Supersedeas Bonds are beneficial for both plaintiffs and defendants, though these bonds are generally considered. This is because if a plaintiff loses and wants to appeal, a bond is not usually required because there is no judgment to collect or protect, so to speak.

By filing an appeal, a plaintiff doesn't have much to lose, aside from the basic attorney fees and court costs. If a defendant loses though and wants to appeal, a Supersedeas Bond is usually required because there is a judgment that must be collected and paid.

Exhibit A

Exhibit A, Page 2

When a defendant loses in court, they might choose to appeal the decision to a higher court, usually to stay execution of the judgment. When this happens, the court might require the defendant to secure a Supersedeas Bond.

Supersedeas Bonds are also called **Appeal Bonds**.

## What is a Supersedeas Bond?

A Supersedeas Bond (also known as an Appeal Bond) is a type of security that is required in a court of law when a defendant wants to appeal a ruling to a higher court while delaying the payment of a judgment.

The purpose of a Supersedeas Bond is to hold the defendant liable for court costs should their appeal be unsuccessful.

If the higher court upholds the lower court's decision, the Appeal Bond guarantees the defendant the judgment, interest, court costs, and attorney fees.

Exhibit A Page 3

Exhibit A, Page 3



Exhibit

# 4a

(d) Judgment Roll. The judgment, as signed and filed, constitutes the judgment roll.

(e) Notice of Entry of Judgment.

(1) Within 14 days after entry of a judgment or an order, a party designated by the court under Rule 58(b)(2) must serve written notice of such entry, together with a copy of the judgment or order, upon each party who is not in default for failure to appear and must file the notice of entry with the clerk of the court. Any other party, or the court in family law cases, may also serve and file a written notice of such entry. Service must be made as provided in Rule 5(b).

(2) Failure to serve written notice of entry does not affect the validity of the judgment, but the judgment may not be executed upon until notice of its entry is served.

Nev. R. Civ. P. 58

Last amended effective 9/29/2014; amended effective 3/1/2019.

*Advisory Committee Note 2019 Amendment*

*Rule 58 restyles but does not change the substance of former NRCP 58. It retains the Nevada-specific provision requiring service of written notice of entry of judgment and does not incorporate the separate-document requirement stated in FRCP 58(a).*

*Drafter's Note*

*2004 Amendment*

*Rule 58 deviates substantially from its federal counterpart. Subdivision (a) is amended in part to conform to federal practice, but the amendments alter existing Nevada practice and require that judgments entered pursuant to subdivision (a) be signed by the judge and not by the clerk of the court. The revised rule also requires the court to designate a party to serve notice of entry of the judgment upon other parties.*

*Subdivision (b) is also amended to reflect that the judge must sign all judgments except default judgments entered pursuant to Rule 55(b)(1).*

*Subdivision (e) is new and adds a provision expressly requiring the party designated by the court*

Page 1 Exhibit # 4a (Contains 2 pages)

Exhibit 4a

*under subdivision (a) to serve notice of entry of a judgment or order. The provision also allows any other party to serve notice of entry of the judgment or order. The amendment is similar to federal rule 77(d), but obligates the parties rather than the clerk to provide notice of entry. The new subdivision also provides that although failure to serve notice of entry does not affect the validity of the judgment, the judgment may not be executed upon until such notice is served.*

Previous Section

Rule 77 - Entry of Judgment

Next Section

Rule 59 - New Trials; Amendment of Judgments

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Exhibit # 4a Page 2