

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEWIS HELFSTEIN; MADALYN
HELFSTEIN; SUMMIT LASER
PRODUCTS, INC.; AND SUMMIT
TECHNOLOGIES, LLC,
Appellants,


vs.

UI SUPPLIES; UNINET IMAGING,
INC.; AND NESTOR SAPORITI,
Respondents.

No. 56383

FILED

OCT 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER GRANTING MOTION FOR STAY

This is an appeal from a district court order refusing to compel arbitration of crossclaims/third-party claims. Appellants have moved to stay the district court proceedings over those claims pending appeal. Respondents oppose the motion to the extent that it seeks to stay the proceedings only as to the crossclaims/third-party claims; respondents propose that if anything is stayed, the entire proceedings below must be stayed, upon payment of a supersedeas bond.

In determining whether to grant a stay pending appeal, this court generally considers the following factors: (1) whether the object of the appeal will be defeated if the stay is denied; (2) whether appellants will suffer irreparable or serious injury if the stay is denied; (3) whether respondents will suffer irreparable or serious injury if the stay is granted; and (4) whether appellants are likely to prevail on the merits in the appeal. NRAP 8(c). Having considered appellants' motion and respondents' opposition, and appellants' reply in light of these factors, we conclude that the factors militate in favor of a stay. See Mikohn Gaming Corp. v. McCrea, 120 Nev. 248, 251-52, 89 P.3d 36, 38 (2004) (noting that,

in appeals from orders refusing to compel arbitration, "absent a strong showing that the appeal lacks merit or that irreparable harm will result if a stay is granted, a stay should issue to avoid defeating the object of the appeal"). Accordingly, we grant the motion for a stay and hereby stay the district court proceedings in District Court Case No. A587003 as they pertain to the crossclaims/third-party claims. As no judgment has been entered on those claims, no supersedeas bond is required. NRCP 62(d); see generally McCulloch v. Jeakins, 99 Nev. 122, 659 P.2d 302 (1983).

It is so ORDERED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Foley & Oakes, PC
Kravitz, Schnitzer, Sloane, Johnson & Eberhardy, Chtd.
Eighth District Court Clerk