

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLUB VISTA FINANCIAL SERVICES,  
L.L.C., A NEVADA LIMITED  
LIABILITY COMPANY; THARALDSON  
MOTELS II, INC., A NORTH DAKOTA  
CORPORATION; AND GARY D.  
THARALDSON,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARK R. DENTON, DISTRICT JUDGE,  
Respondents,

and

SCOTT FINANCIAL CORPORATION, A  
NORTH DAKOTA CORPORATION;  
BRADLEY J. SCOTT; BANK OF  
OKLAHOMA, N.A., A NATIONAL  
BANK; GEMSTONE DEVELOPMENT  
WEST, INC., A NEVADA  
CORPORATION; AND ASPHALT  
PRODUCTS CORP. D/B/A APCO  
CONSTRUCTION, A NEVADA  
CORPORATION,  
Real Parties in Interest.

No. 57784

**FILED**

**JUN 28 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER GRANTING MOTION FOR STAY

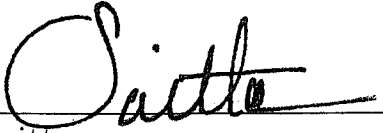
This original petition for a writ of mandamus or prohibition challenges a district court order enforcing jury trial waivers and bifurcating claims for bench and jury trials.

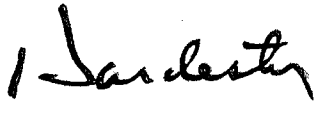
Petitioners have filed a motion to stay the district court bench trial, which is set to begin on July 6, 2011, pending this court's resolution of the writ petition. Real parties in interest Scott Financial Corporation

and Bradley J. Scott oppose the motion, and Bank of Oklahoma, N.A., has joined in the opposition.

Having considered the parties arguments and the factors set forth in NRAP 8(c), we conclude that a stay is warranted. Although we are unable to determine petitioners' likelihood of success on the writ petition at this point, NRAP 8(c)(4), the balance of potential harms weigh in favor of a stay, since the writ petition challenges the enforceability of the jury trial waivers, and thus, the manner in which the trial is to be conducted. Also, the scheduled bench trial is anticipated to be lengthy. NRAP 8(c)(1)-(3); Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 6 P.3d 982 (2000). Accordingly, we stay the bench trial scheduled to begin July 6, 2011, pending further order of this court.

It is so ORDERED.

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. Mark R. Denton, District Judge  
Cooksey, Toolen, Gage, Duffy & Woog  
Greenberg Traurig, LLP/Las Vegas  
Lemons, Grundy & Eisenberg  
Marquis Aurbach Coffing  
Morrill & Aronson, P.L.C.  
Frederic Dorwart Lawyers  
Howard & Howard  
Kemp, Jones & Coulthard, LLP  
Lewis & Roca, LLP/Las Vegas  
Patrick K. Smith  
Eighth District Court Clerk