

IN THE SUPREME COURT OF THE STATE OF NEVADA

DR. JOEL SLADE,

Appellant,

vs.

CAESARS ENTERTAINMENT
CORPORATION; PARIS LAS VEGAS
OPERATING COMPANY, LLC D/B/A
PARIS LAS VEGAS; AND CAESARS
ENTERTAINMENT OPERATING
COMPANY, INC.,

Respondents.

No. 62720

FILED

APR 10 2015

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

ORDER PARTIALLY DISMISSING APPEAL

Counsel for respondents has filed a notice, informing this court that respondent Caesars Entertainment Operating Company, Inc. has filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code. The filing of a bankruptcy petition operates to stay, automatically, the "continuation" of any "judicial . . . action . . . against the debtor." 11 U.S.C. § 362(a)(1). An appeal, for purposes of the automatic stay, is considered a continuation of the action in the trial court. Consequently, an appeal is automatically stayed if the debtor was the defendant in the underlying trial court action. *See Ingersoll-Rand Fin. Corp. v. Miller Mining, Co.*, 817 F.2d 1424 (9th Cir. 1987). It appears that Caesars Entertainment Operating Company was a defendant below. Therefore, this appeal is stayed as to Caesars Entertainment Operating Company pursuant to the automatic stay provisions of federal bankruptcy law.

Given the applicability of the automatic stay, this appeal may linger indefinitely on this court's docket pending final resolution of the bankruptcy proceedings. Accordingly, we conclude that judicial efficiency

will be best served if this appeal is dismissed as to Caesars Entertainment Operating Company without prejudice. Because a dismissal *without prejudice* will not require this court to reach the merits of this appeal and is not inconsistent with the primary purpose of the bankruptcy stay—to provide protection for debtors and creditors—we further conclude that such dismissal will not violate the bankruptcy stay.¹ See *Indep. Union of Flight Attendants v. Pan Am. World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) (holding that the automatic stay does not preclude dismissal of an appeal so long as dismissal is “consistent with the purpose of the statute [11 U.S.C. § 362(a)]”); *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 755 (9th Cir. 1995) (holding that a post-bankruptcy petition dismissal will violate the automatic stay “where the decision to dismiss first requires the court to consider other issues presented by or related to the underlying case”).

Accordingly, we dismiss this appeal as to Caesars Entertainment Operating Company. This dismissal is without prejudice to appellant’s right to move for reinstatement of this appeal as to Caesars Entertainment Operating Company upon either the lifting of the bankruptcy stay or final resolution of the bankruptcy proceedings, if

¹The automatic stay provides a debtor “with protection against hungry creditors” and gives it a “breathing spell from its creditors” by stopping all collection efforts. *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 755 (9th Cir. 1995). Further, it assures creditors “that the debtor’s other creditors are not racing to various courthouses to pursue independent remedies to drain the debtor’s assets.” *Id.* at 755-56.

appellant deems such a motion appropriate at that time.² This appeal shall continue with regard to the remaining respondents, Caesars Entertainment Corp., and Paris Operating Co., LLC.

It is so ORDERED.

1. Sankiewicz, C.J.

cc: Hon. Allan R. Earl, District Judge
Lansford W. Levitt, Settlement Judge
Nersesian & Sankiewicz
Santoro Whitmire
Eighth District Court Clerk

²Any such motion to reinstate the appeal must be filed within 60 days of any order lifting the stay or concluding the bankruptcy proceedings.