

IN THE SUPREME COURT OF THE STATE OF NEVADA

RHONDA HELENE MONA; AND
MICHAEL J. MONA, JR.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOSEPH HARDY, JR., DISTRICT
JUDGE,

Respondents,

and

FAR WEST INDUSTRIES,

Real Party in Interest.

No. 68434

FILED

AUG 31 2015

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

ORDER

This original petition for a writ of mandamus or prohibition challenges a district court order that, in part, directs funds in certain bank accounts to be applied to a domesticated foreign judgment. We previously entered a temporary stay, pending receipt and consideration of additional documents regarding the stay. Having reviewed the motion for stay, the opposition thereto, and the reply,¹ we conclude that a stay is warranted, pending our further consideration of this writ proceeding. NRAP 8(c); *Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 6 P.3d 982 (2000). Accordingly, we stay all proceedings in Eighth Judicial District Court Case No. A-12-670352-F, pending further order of this court.

¹We grant petitioners' motion to exceed the page limit for the reply in support of the stay motion and direct the clerk to file the reply received on August 24, 2015.

In its opposition to petitioners' stay motion, real party in interest requests that petitioners be required to post a "significant" bond as a condition of any stay. It does not appear that the district court has yet considered the proper amount of any supersedeas bond, NRAP 8(a)(1)(B), and we have routinely recognized that the district court is better suited for making supersedeas bond determinations. *See Nelson v. Heer*, 121 Nev. 832, 836, 122 P.2d 1252, 1254 (2005). Accordingly, we deny without prejudice real party in interest's request to require a bond and determine the amount of such a bond.

Additionally, real party in interest has filed a motion to prevent petitioners from "transferring, disposing of or encumbering any non-exempt property while this [matter] remains pending."² Having considered the motion and petitioners' opposition,³ we deny the motion. We note that a bond would be an appropriate method to protect real party in interest's ability to eventually execute on their judgment and, as explained above, the district court is the proper forum to seek a bond.

Finally, having considered the petition and reviewed the documents submitted with it, it appears that an answer to the petition will assist this court in resolving the matter. Therefore, real party in

²Real party in interest titled its motion as an "emergency" and requested relief within four days of its filing. However, real party in interest failed to identify a specific event or action that required relief in less than 14 days, other than its apparent desire to have the motion resolved as soon as possible. This does not constitute an emergency under our rules.

³We grant petitioners' motion to exceed the page limit for an opposition to a motion and direct the clerk to file the opposition received on August 25, 2015.

interest, on behalf of respondents, shall have 30 days from the date of this order within which to file an answer, including authorities, against issuance of the requested writ. Petitioner shall have 15 days from service of the answer to file and serve any reply.

It is so ORDERED.

Saitta, J.

Saitta

Gibbons, J.

Gibbons

Pickering, J.

Pickering

cc: Hon. Joseph Hardy, Jr., District Judge
Marquis Aurbach Coffing
Lemons, Grundy & Eisenberg
Holley, Driggs, Walch, Fine Wray Puzey & Thompson/Las Vegas
Eighth District Court Clerk