

1 IN THE SUPREME COURT OF THE STATE OF NEVADA
2

3 IN THE MATTER OF THE
4 GUARDIANSHIP OVER THE
PERSON AND ESTATE OF,

5 ADEN HAILU,

6 An Adult Ward.

7
8 FANUEL GEBREYES,

9 Appellant,

10 vs.

11 PRIME HEALTHCARE SERVICES,
12 LLC, dba ST. MARY'S REGIONAL
MEDICAL CENTER,

13 Respondent.
14

No. 68531

Electronically Filed
Aug 03 2015 11:34 a.m.

MOTION TO SUSPEND NRAP 9
Clerk of Supreme Court
AND ALLOW AN AUDIO

RECORDING TO BE REVIEWED
IN LIGHT OF THE EMERGENCY
MOTION FOR STAY

15 Appellant, by and through his counsel, David C. O'Mara, Esq., submits this
16 motion regarding the applicability of NRAP 9 to the instant appeal and pending
17 emergency motion for stay pending appeal. Appellant seeks to suspend NRAP 9 and
18 to allow the filing of Exhibit 7 to the emergency motion for stay in audio format. This
19 motion is made in good faith and based upon the Memorandum of Points and
20 Authorities below.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 This case involves an appeal from an order in the Second Judicial District
23 Court. The proceedings giving rise to this appeal were not recorded in the traditional
24 sense, that is, by a stenographer or court reporter. Consequently, there is no transcript
25 at this time and a transcript is not likely to be available before this Court makes its
26 decision regarding the pending motion for stay pending appeal.

27 NRAP 1(c) provides that the Nevada Rules of Appellate Procedure "shall be
28 liberally construed to secure the proper and efficient administration of the business

1 and affairs of the court and to promote and facilitate the administration of justice by
2 the court.” NRAP (1)(c). NRAP 2 allows that “[o]n its own or a party’s motion, the
3 Supreme Court may – to expedite its decision or for other good cause – suspend any
4 provision of these Rules in a particular case and order proceedings as it directs, except
5 as otherwise provided in Rule 26(b).

6 The suspension of NRAP 9 is necessary in this case until the Court rules on the
7 pending emergency motion for stay pending appeal that was filed on Monday, August
8 3, 2015. Indeed, the proceedings in the District Court were not recorded by a
9 stenographer or court reporter and by the time Appellant is able to obtain a transcript,
10 the matter of a stay will most likely be heard and decided by the Nevada Supreme
11 Court.

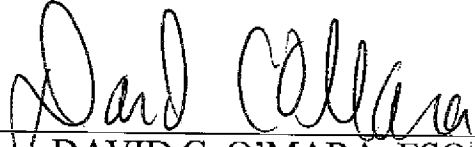
12 Appellant is only seeking a suspension of the rules to allow the Nevada
13 Supreme Court to hear the motion for stay on an expedited basis. Appellant will
14 provide the Court, and parties with a copy of the transcript pursuant to NRAP 9 once
15 the matter of the stay is decided.

16 The District Court has stayed the matter for ten (10) days and if the Nevada
17 Supreme Court does not render a decision within the ten (10) days, Aden will not be
18 able to assert her appeal rights in the Nevada Supreme Court because she most likely
19 will be dead once the Respondents are able to stop providing services.

20 Thus, with good cause appearing, Appellant seeks to suspend NRAP 9 until
21 after the Supreme Court renders its decision on the pending motion for stay.

22 DATED: August 3, 2015

THE O’MARA LAW FIRM, P.C.

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DAVID C. O’MARA, ESQ.

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CERTIFICATE OF SERVICE

I hereby certify under penalties of perjury that on this date I served a true and correct copy of the foregoing document by hand delivery to the address as follows:

William Peterson, Esq.
Janine C. Prupas
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DATED: August 3, 2015.

