

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS KOGOD,
Appellant/Cross-Respondent,
vs.
GABRIELLE CIOFFI-KOGOD,
Respondent/Cross-Appellant.

No. 71147

FILED

JAN 26 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER GRANTING MOTION FOR STAY WITH
ALTERNATIVE SECURITY*

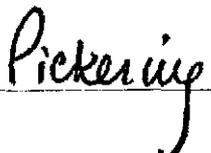
Appellant/cross-respondent has filed a motion to stay the district court's unequal division of community property, the award of spousal support in a lump-sum amount, and the award of sanctions against appellant/cross-respondent in favor of respondent/cross-appellant. Having considered the motion as well as the opposition, reply, and other documents before this court, we grant the motion, conditioned as follows. *See Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005). In order to stay the portions of the district court order awarding spousal support and imposing sanctions against appellant/cross-respondent, appellant/cross-respondent shall have 30 days from the date of this order to place a lien on his property, located at 9716 Oak Pass Road, Beverly Hills, California, in favor of respondent/cross-appellant in the amount of \$1,649,792. Appellant/cross-respondent shall not further encumber the property in any manner or transfer the property during the pendency of this appeal. Regarding the portion of the district court order making an unequal division of property, we conclude that placement of assets in the amount of \$2,043,931.50 into a blocked, interest-bearing account will adequately protect respondent/cross-appellant from prejudice arising from

a stay. However, the district court is in the best position to determine which assets should be placed into such an account. *See generally Zugel v. Miller*, 99 Nev. 100, 101, 659 P.2d 296, 297 (1983) ("This court is not a fact-finding tribunal."). Accordingly, the district court shall have 30 days from the date of this order to enter a written order determining which assets, valued at \$2,043,931.50, to place into a blocked, interest-bearing account at UBS. The assets shall be placed into the account as soon as possible, and in any event not later than 60 days from the date the district court's order is entered, and shall remain in the account pending the final resolution of this appeal.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Bryce C. Duckworth, District Court Judge
Law Office of Daniel Marks
Radford J. Smith, Chtd. D/B/A Smith & Taylor
Eighth District Court Clerk