

Electronically Filed
Dec 28 2016 01:41 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF NEVADA

Sup. Ct. No. 71521

Dist. Ct No.: A-15-714136-C

MICHAEL SARGEANT, Petitioner,

vs.

HENDERSON TAXI, Respondent

MOTION TO DISMISS APPEAL

Leon Greenberg, SBN 8094
A Professional Corporation
2965 S. Jones Boulevard - Suite E-3
Las Vegas, Nevada 89146
Telephone (702) 383-6085
Fax: 702-385-1827
Attorney for Petitioner

Appellant, MICHAEL SARGEANT, through his counsel of record, hereby files this Motion to Dismiss Appeal.

BASIS FOR REQUESTED RELIEF

On December 22, 2016, this Court entered an Order in Appeal. No. 70837 which granted Sargeant's request for a stay of the district court judgment pending the outcome of Appeal No. 70837. Ex. "A." Accordingly, this appeal, which sought a reversal of the District Court's denial of a stay of judgment, has now been rendered moot.

CONCLUSION

Wherefore, appellant's Motion to Dismiss Appeal should be granted.

Dated: December 28, 2016

Submitted by
Leon Greenberg Professional Corporation

/s/ Leon Greenberg
Leon Greenberg, Esq.
Attorney for the Appellant
2965 South Jones Boulevard - Suite E3
Las Vegas, Nevada 89146
(702) 383-6085

CERTIFICATE OF MAILING

The undersigned certifies that on December 28, 2016, she
served the within:

MOTION TO DISMISS APPEAL

by Electronic Court filing to:

Anthony L. Hall, Esq.
R. Calder Huntington, Esq.
HOLLAND & HARD LLP
9555 Hillwood Drive, 2nd Fl.
Las Vegas, NV 89134

/s/ Dana Sniegocki
Dana Sniegocki

EXHIBIT "A"

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SARGEANT,
INDIVIDUALLY AND ON BEHALF OF
OTHERS SIMILARLY SITUATED,

Appellant,

vs.

HENDERSON TAXI,

Respondent.

No. 70837

FILED

DEC 22 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER GRANTING MOTION FOR STAY PENDING APPEAL

Having considered appellant's motion for a stay pending appeal as well as respondent's opposition, appellant's reply and both parties' erratas, we grant the motion. *See Halverson v. Hardcastle*, 123 Nev. 245, 261-62, 163 P.3d 428, 440 (2007) (noting that courts have "inherent power to prevent injustice and to preserve the integrity of the judicial process"); *MP Medical Inc. v. Wegman*, 213 P.3d 931 (Wash. Ct. App. 2009); *Donan v. Dolce Vita Sa, Inc.*, 992 So. 2d 859, 861 (Fl. Ct. App. 4th Dist. 2008). Respondent is hereby prohibited from enforcing the district court's July 8, 2016, order granting motion for attorney fees by executing upon appellant's legal claims arising from district court case A-15-714136-C, including the appeals in Docket Nos. 69773 and 70837, pending further order of this court. This stay is not contingent on the posting of any bond.

It is so ORDERED.

[Signature] C. J.
Parraguirre

[Signature] J.
Hardesty

[Signature] J.
Stiglich

16-39850

cc: Chief Judge, The Eighth Judicial District Court
Hon. Joseph T. Bonaventure, Senior Judge
Leon Greenberg Professional Corporation
Holland & Hart LLP/Las Vegas
Eighth District Court Clerk