

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICARDO P. PASCUA,
Appellant,
vs.
BAYVIEW LOAN SERVICING, LLC;
SEASIDE TRUSTEE, INC.; AND BANK
OF NEW YORK MELLON,
Respondents.

No. 71770

FILED

FEB 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTION FOR STAY

Appellant has filed a motion for stay pending appeal. Respondents oppose the motion. Appellant states that he did not move first in the district court because so doing would be impracticable. See NRAP 8(a)(2)(A)(i). Appellant asserts that in order to obtain a stay from the district court he is required to post a supersedeas bond. See NRCP 62(d). "Due to his financial condition," appellant asserts that he "is unable to post any such bond."

However, the district court may, in its discretion, waive a full supersedeas bond requirement, provide for a bond in a lesser amount, or permit alternate security. See *Nelson v. Heer*, 121 Nev. 832, 122 P.3d 1252 (2005); *McCulloch v. Jeakins*, 99 Nev. 122, 659 P.2d 302 (1983). Additionally, "the district court is better positioned to resolve any factual disputes concerning the adequacy of any proposed security, while this court is ill suited to such a task." *Nelson*, 121 Nev. at 836, 122 P.3d at 1254. Because appellant failed to move for a stay in the district court in the first

instance and has failed to demonstrate that doing so would be impracticable, the motion for stay is denied without prejudice. NRAP 8(a).

It is so ORDERED.

Dwyer, C.J.

cc: Robison, Sharp, Sullivan & Brust
Weinstein & Riley, P.S.