

EXHIBIT 1

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CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

STEPHEN HABERKORN, an individual,
Plaintiff,

vs.

ARCHON CORPORATION, a Nevada
corporation; PAUL W. LOWDEN, an
individual; and SUZANNE LOWDEN, an
individual; UNKNOWN DOE DIRECTORS
OF ARCHON CORPORATION; DOES 1
through 10; and ROE ENTITIES 1 through 10,
inclusive

Defendants.

CASE NO. A-16-732619-B

DEPT. XV

**ORDER DENYING DEFENDANTS'
MOTION TO STAY PROCEEDINGS**

Date of Hearing: February 7, 2017

Time of Hearing: 9:00 a.m.

This matter came before the Court on February 7, 2017 at 9:00 a.m., upon Defendants ARCHON CORPORATION, PAUL W. LOWDEN, and SUZANNE LOWDEN (collectively, "Defendants") Motion to Stay Proceedings. Plaintiff STEPHEN HABERKORN ("Plaintiff") appeared, by and through his counsel of record, Stephen R. Hackett, Esq. of SKLAR WILLIAMS PLLC and Defendants appeared, by and through their counsel, Gabriel A. Blumberg, Esq. of DICKINSON WRIGHT, PLLC.

Based upon the all the papers and pleadings on file herein, the briefs of the parties and the arguments of counsel and good cause appearing therefore, the Court having applied NRAP

1 8(a), NRAP 8(c), and the four factors contained in *Fritz Hansen A/S v. Dist. Ct.*, 116 Nev.
2 650, 6 P.3d 982 (2000), determines as follows:

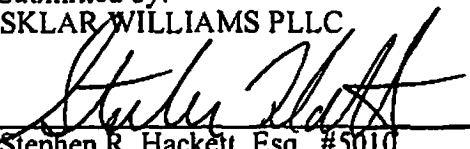
3 IT IS HERBY ORDERED that the Court FINDS the following: (1) having applied the
4 four factors contained in the *Fritz Hansen* case, all four factors favor denial of the Motion to
5 Stay; (2) the pending Writ Petition to the Supreme Court would not be defeated if the stay was
6 denied; (3) even if the Writ Petition was granted, the case would remain pending with this
7 Department, and the Writ would not resolve the entire case; (4) the Defendants were unlikely
8 to prevail on the merits of the Writ Petition; (5) the ruling on the Motion to Dismiss was
9 interlocutory and the denial of the Motion to Dismiss was without prejudice, making Writ
10 review inappropriate; and (6) although there were certain limited or exceptional circumstances
11 where the Nevada Supreme Court may grant the Writ Petition under these circumstances,
12 those narrow exceptions were not present here. Accordingly, for all the foregoing reasons,

13 IT IS FURTHER ORDERED the Motion to Stay is DENIED for all of the reasons set
14 forth above and in Plaintiff Stephen Haberkorn's Opposition to Motion to Stay Proceedings.

15 DATED this 19th day of April, 2017.


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17 
18 DISTRICT COURT JUDGE

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20 Submitted by:
21 SKLAR WILLIAMS PLLC

22 
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Attorneys for Defendants

IN THE SUPREME COURT OF THE STATE OF NEVADA

<p>ARCHON CORPORATION, PAUL W. LOWDEN, and SUZANNE LOWDEN,</p> <p>Petitioners,</p> <p>vs.</p> <p>THE EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JOE HARDY, DISTRICT COURT JUDGE</p> <p>Respondents.</p> <p><i>and</i></p> <p>STEPHEN HABERKORN, an individual,</p> <p>Real Parties in Interest,</p>	<p>Supreme Court No. 71802</p> <p>State Court Case No. A-16-732619-B</p> <p>Electronically Filed Apr 24 2017 11:03 a.m. Elizabeth A. Brown Clerk of Supreme Court</p>
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**PETITIONERS' SUPPLEMENT TO THEIR NRAP 8 MOTION TO STAY
PROCEEDINGS IN THE DISTRICT COURT**

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Attorneys for Petitioners

Petitioners, ARCHON CORPORATION, PAUL W. LOWDEN, and SUSAN LOWDEN, by and through their counsel of record, DICKINSON WRIGHT PLLC, hereby submits the following Supplement to Their NRAP 8 Motion to Stay Proceedings in the District Court filed on April 10, 2017 in this Court.

On April 21, 2017, the District Court entered its Order denying the Motion to Stay. A copy of that Order is attached hereto as **Exhibit 1**.

DATED this 24th day of April, 2017.

DICKINSON WRIGHT PLLC

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d), the undersigned, an employee of Dickinson Wright PLLC, hereby certifies that on the 24th day of April, 2017, she served a copy of the foregoing **PETITIONERS' SUPPLEMENT TO THEIR NRAP 8 MOTION TO STAY PROCEEDINGS IN THE DISTRICT COURT** by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at Reno, Nevada, said envelope addressed to:

Stephen R. Hackett, Esq.
Johnathon Fayeghi, Esq.
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Honorable Joe Hardy
Eighth Judicial District Court
Dept. XV
200 Lewis Avenue
Las Vegas, NV 89155

/s/ Whitney M. Jones
An Employee of DICKINSON WRIGHT
PLLC

EXHIBIT TABLE

Exhibit	Description	Pages ¹
1	Order Denying Defendants' Motion to Stay Proceedings, filed on April 21, 2017 in the District Court, District of Nevada	2

¹ Exhibit page counts are exclusive of exhibit slip sheets.