

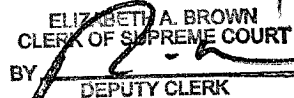
IN THE SUPREME COURT OF THE STATE OF NEVADA

A CAB, LLC; AND CREIGHTON J
NADY,
Appellants,
vs.
MICHAEL MURRAY; AND MICHAEL
RENO, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,
Respondents.

No. 77050

FILED

DEC 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING STAY

This is an appeal from a district court summary judgment in a class action seeking recovery of minimum wages. Currently before the court is appellants' emergency motion to stay execution on the judgment, pending appeal. In appellants' motion, they assert that they are unable to obtain a supersedeas bond, the posting of which would automatically stay enforcement of the money judgment under NRCP 62(d).

Having reviewed the motion and the opposition thereto, we are not convinced that a stay without bond is warranted. NRAP 8. In *Nelson v. Heer*, this court recognized several factors for district courts to weigh in determining when a full supersedeas bond may be waived or alternate security may be substituted: (1) the complexity of the collection process; (2) the amount of time required to obtain a judgment after it is affirmed on appeal; (3) the degree of confidence that the district court has in the availability of funds to pay the judgment; (4) whether the defendants' ability to pay the judgment is so plain that the cost of a bond would be a waste of money; and (5) whether the defendants are in such a precarious financial situation that the requirement to post a bond would place other creditors of

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the defendants in an insecure position. 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005). Here, appellants apparently have not asked the district court to consider these factors in seeking to either waive the bond or determine alternative security, and they further have not demonstrated to this court that these factors weigh in favor of a stay without bond.¹ Therefore, we deny the motion without prejudice.

It is so ORDERED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Kenneth C. Cory, District Judge
Kathleen M. Paustian, Settlement Judge
Rodriguez Law Offices, P.C.
Hutchison & Steffen, LLC/Las Vegas
Leon Greenberg Professional Corporation
Eighth District Court Clerk

¹Additionally, we note that appellants failed to provide this court with a copy of any written order denying their district court motion for stay or any other related motions. Although respondents provided a copy of the district court minutes, we remind the parties that this court reviews written orders. *See State, Div. Child & Fam. Servs. v. Dist. Court*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004) (recognizing that a clerk's "minute order" or a district court's oral ruling is invalid for any purpose); *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987).