

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANYAH VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Appellant,

vs.

SIG ROGICH, A/K/A SIGMUND
ROGICH, INDIVIDUALLY, AND AS
TRUSTEE OF THE ROGICH FAMILY
IRREVOCABLE TRUST; ELDORADO
HILLS, LLC, A NEVADA LIMITED
LIABILITY COMPANY; TELD, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; PETER ELIADES,
INDIVIDUALLY AND AS TRUSTEE OF
THE ELIADES SURVIVOR TRUST OF
10/30/08; AND IMITATIONS, LLC; A
NEVADA LIMITED LIABILITY
COMPANY,

Respondents.

SIG ROGICH, A/K/A SIGMUND
ROGICH, INDIVIDUALLY, AND AS
TRUSTEE OF THE ROGICH FAMILY
IRREVOCABLE TRUST; AND
IMITATIONS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Cross-Appellant,

vs.

NANYAH VEGAS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Cross-Respondent,

and

ELDORADO HILLS, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
TELD, LLC, A NEVADA LIMITED
LIABILITY COMPANY; AND PETER
ELIADES, INDIVIDUALLY AND AS
TRUSTEE OF THE ELIADES
SURVIVOR TRUST OF 10/30/08,

No. 79917

FILED

APR 11 2022

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

ORDER DENYING STAY

Appellant/cross-respondent, Nanyah Vegas, LLC, filed a motion for a stay of execution of any of the judgment pending this court's resolution of the issues on appeal. That motion has been briefed. Nanyah has now filed an emergency motion for a ruling on the motion for stay because a sheriff's sale is scheduled for April 13, 2022, at which Nanyah's last remaining asset, the claims on appeal, will be available for sale. Nanyah explains that if respondents/cross-appellants are allowed to acquire the claims on appeal at the sheriff's sale, respondents/cross-appellants will be able to dismiss the claims against themselves, and the purpose of the appeal will be defeated because Nanyah will lose the opportunity to have its claims resolved by this court on their merits. NRAP 8(c).

Having considered the arguments of the parties, the motion for a stay of the sheriff's sale and execution of the judgment without posting a bond is denied. The use of alternative security to cover a money judgment is appropriate only when it is clear that the debtor has other assets to cover the judgment if the appeal is unsuccessful. *Nelson v. Heer*, 121 Nev. 832, 835, 122 P.3d 1252, 1254 (2005). Nanyah's request to use its appellate claims as alternative security is denied. See NRCP 62(d) ("When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay subject to the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is

effective when the supersedeas bond is filed."). Nanyah may secure a stay by posting an adequate supersedeas bond.

It is so ORDERED.

1 Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Herndon, J.
Herndon

cc: Bailey Kennedy
Simons Hall Johnston PC/Reno
Hutchison & Steffen, LLC/Las Vegas