

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOME WARRANTY ADMINISTRATOR
OF NEVADA, INC., D/B/A CHOICE
HOME WARRANTY, A NEVADA
CORPORATION,

Appellants,

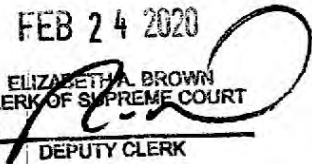
vs.

STATE OF NEVADA DEPARTMENT
OF BUSINESS AND INDUSTRY,
DIVISION OF INSURANCE, A
NEVADA ADMINISTRATIVE AGENCY,
Respondent.

No. 80218

FILED

FEB 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING STAY

This is an appeal from a district court order affirming, as modified, an administrative decision under NRS Chapter 690C concerning appellant's service contract business.

In December 2019, appellant filed an emergency motion seeking to stay the district court's decision so that it can continue, pending appeal, to operate its business through its administrator in the same manner as before the court's decision. Respondent filed an opposition. We thereafter, on December 23, 2019, entered a temporary stay so that the district court could rule on the stay motion that appellant had previously filed with it. *See* NRAP 8(a)(1). The district court denied a stay on December 31.

Appellant then filed, in this court, a reply to respondent's opposition to its stay motion, which respondent has moved to strike as untimely and inappropriate under NRAP 27. An opposition to the motion to strike, and a reply to the opposition, have also been filed.

Having considered the parties' arguments, we deny the motion to strike and the stay. With regard to the stay motion, when considering

whether to grant a stay pending appeal, we consider the following factors: (1) whether the object of the appeal will be defeated absent a stay, (2) whether appellant will suffer irreparable or serious harm without a stay, (3) whether respondent will suffer irreparable or serious harm if a stay is granted, and (4) whether appellant is likely to prevail on the merits of the appeal. NRAP 8(c). The public interest may also be considered. *See Clark Cty. Office of Coroner/Med. Exam'r v. Las Vegas Review-Journal*, 134 Nev. 174, 179 n.1, 415 P.3d 16, 20 n.1 (2018) (Cherry, J., concurring in part and dissenting in part). After reviewing the stay motion, opposition, reply, and supporting documentation, we conclude that the factors do not militate in favor of a stay. Therefore, we deny the motion and vacate our December 23 temporary stay.

It is so ORDERED.

Pickering, C.J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. James Todd Russell, District Judge
Holland & Hart LLP/Las Vegas
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk