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May 22 2020 09:00 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

VENETIAN CASINO RESORT, LLC;  
LAS VEGAS SANDS, LLC,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KATHLEEN DELANEY, DISTRICT  
JUDGE,

Respondents,

and

JOYCE SEKERA,

Real Party in Interest.

Case No.: 80816-COA

**REAL PARTY IN INTEREST'S**  
**MOTION TO HOLD DECISION IN**  
**ABEYANCE**

**REAL PARTY IN INTEREST’S MOTION TO HOLD DECISION  
IN ABEYANCE**

Real Party in Interest, Joyce Sekera (“Sekera”), respectfully moves this Court to hold any decision as to Petitioners’ emergency petition for writ of mandamus and/or writ of prohibition under NRAP 21(a)(6) and 27(e) in abeyance pending the outcome of further litigation of related case, *Venetian Casino Resort, LLC, et al. v. Dist. Ct., et al.*, Case No. 79689-COA.

On May 14, 2020, this Court issued an opinion granting Petitioners’ writ of mandamus or prohibition in Case No. 79689-COA that is not yet binding because of the extension for the petition for rehearing and the further litigation regarding that opinion. *See* NRAP 41(b)(1) (the timely filing of a petition for rehearing stays the remittitur). To the extent that all the legal issues raised in this separate proceeding will be addressed by relying wholly upon the Court’s opinion issued in Case No. 79689-COA, it is appropriate to hold this appeal in abeyance. Of course, if the Court is inclined to deny the writ petition, a decision does not need to be held in abeyance. A “court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case.” *Mediterranean Enters., Inc. v. Ssangyong Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (citing *Leyva v. Certified Grocers of California, Ltd.* 593 F.2d 857, 863–864 (9th Cir. 1979)). Factors a court

may consider when deciding whether to issue a stay of proceedings include the interests of the parties, the efficient use of judicial resources, and the interests of the public and persons not parties to the litigation. *See, e.g., Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324–325 (9th Cir. 1995).

In this case, the ultimate resolution of Case No. 79689-COA will likely bear heavily upon this matter. Holding this original proceeding in abeyance will avoid unnecessary expense of judicial resources and the resources of the parties. To the extent that any harm might be suffered by the parties as a result of a stay, such harms are outweighed by the avoidance of the expense on the part of the parties and the outlay of judicial resources. Any prejudice that may result from a stay will weigh approximately equally upon the parties.

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## **CONCLUSION**

Based upon the foregoing, Sekera respectfully requests that the Court hold any decision as to the instant Petitioners' emergency petition for writ of mandamus and/or writ of prohibition in abeyance pending the outcome of further litigation of related case, *Venetian Casino Resort, LLC, et al. v. Dist. Ct., et al.*, Case No. 79689-COA.

DATED this 21st day of May, 2020.

CLAGGETT & SYKES LAW FIRM

/s/ Micah Echols

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## **CERTIFICATE OF SERVICE**

I certify that I am an employee of Claggett & Sykes Law Firm and that on the 21st day of May 2020, I submitted the foregoing **REAL PARTY IN INTEREST'S MOTION TO HOLD DECISION IN ABEYANCE** for filing via the Court's electronic filing system with the Nevada Court of Appeals, which will send electronic notification to the following:

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Honorable Kathleen Delaney  
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*Respondent*

/s/ Anna Gresl

Anna Gresl, an employee of  
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