

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS VINCENT STANTON,
Appellant/Cross-Respondent,
vs.
TWYLA MARIE STANTON,
Respondent/Cross-Appellant.

No. 80910

FILED

MAY 25 2021

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

ORDER DENYING MOTION

This is an appeal from a district court order setting aside a decree of divorce as fraudulently obtained, dismissing a joint petition for divorce with prejudice, and sanctioning defendant for forum shopping and perpetrating a fraud upon the court in the full amount of plaintiff's fees and costs. The district court order was issued on March 18, 2019, and ordered that appellant was to pay \$3,000 to the temporary co-guardians, Robert Crawford and Carmen Crawford, within 60 days of the order. On May 1, 2019, appellant filed a motion to stay enforcement of the sanctions in the district court. On February 18, 2021, appellant filed a motion in this court to stay the enforcement of the imposed sanctions pending appeal and to waive the requirement for a supersedeas bond.

Because the district court is in a better position to evaluate the merits of a request for stay, NRAP 8(a)(1) normally requires parties to seek a stay from the district court before seeking one from this court. *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005), *as modified* (Jan. 25, 2006) ("This requirement [to first seek a stay in the district court] is grounded in the district court's vastly greater familiarity with the facts and

circumstances of the particular case.”). A party seeking a stay in this court without first asking the district court for such relief must demonstrate that “moving first in the district court would be impracticable.”

It appears that the district court has yet to rule on appellant’s May 1, 2019, stay motion. While appellant contends that the district court’s failure to rule on the motion demonstrates that “moving first in the district court would be impracticable,” he has not indicated that the district court refused his motion. Rather, the district court’s February 28, 2020, order acknowledges, but fails to resolve the motion for a stay.

Accordingly, appellant’s motion for a stay is denied without prejudice so that he may seek relief in the district court in the first instance. The district court is familiar with the underlying facts and circumstances of this case and is in the best position to determine, with the parties’ input, if its order should be stayed and whether a supersedeas bond is required and in what amount. *See Nelson*, 121 Nev. at 836, 122 P.3d at 1254 (2005) (“The district court is better positioned to resolve any factual disputes concerning the adequacy of any proposed security, while this court is ill suited to such a task.”). Further, in the event appellant thereafter seeks relief before this court, the district court’s reasoning may provide useful information in this court’s consideration of the matter. *See* NRAP 8(a)(2)(A)(ii) (explaining that a motion for relief in this court should demonstrate that the district court has denied a stay and the reasons therefor).

It is so ORDERED.

 Richard L. Smith , C.J.

cc: Holley Driggs/Las Vegas
Law Office of Christopher P. Burke