

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD N. DETWILER,
Petitioner,

vs.

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

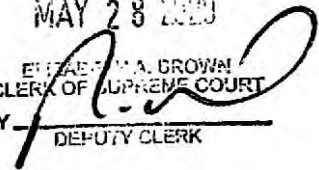
Respondents,
and

BAKER BOYER NATIONAL BANK,
Real Party in Interest.

No. 81220

FILED

MAY 28 1999

ETHEL M. A. GROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DIRECTING ANSWER AND DENYING STAY

This is an original petition for a writ of mandamus or prohibition challenging a district court order imposing sanctions after finding petitioner in contempt during enforcement proceedings. Petitioner has also filed an emergency motion seeking to stay enforcement of the district court's judgment pending consideration of this petition,¹ and real party in interest has filed an opposition.


Having reviewed the petition and supporting documents, it appears that an answer to the petition will assist this court in resolving the matter. Therefore, real party in interest, on behalf of respondents, shall


¹As acknowledged in footnote 3 to the motion, petitioner's motion for stay exceeds the NRAP 27(d)(2) page limit. Although we have considered this motion due to its emergency nature, we remind petitioner that we will not normally accept for filing motions with excess pages unless a separate motion to exceed the page limit is concurrently filed and granted. As we have considered the stay motion, real party in interest's motion to strike the stay motion is denied.

have 28 days from the date of this order to file and serve an answer, including authorities, against issuance of the requested writ. Petitioner shall have until 14 days from when the answer is served to file and serve a reply.

Further, we deny petitioner's motion for stay. Under NRCP 62(d), enforcement of a money judgment is automatically stayed pending appellate review upon posting a supersedeas bond. In *Nelson v. Heer*, we 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 upheld by an appellate court; (3) the degree of confidence that the district court has in the availability of funds to pay the judgment; (4) whether petitioner's ability to pay the judgment is so plain that the cost of a bond would be a waste of money; and (5) whether petitioner is in such a precarious financial situation that the requirement to post a bond would place other creditors of the petitioner in an insecure position. 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005). Here, the district court determined that these factors weigh in favor of requiring a bond, and petitioner has not argued or demonstrated to this court otherwise. Therefore, we deny the motion.

It is so ORDERED.


Gibbons J.


Stiglich J.


Silver J.

cc: Hon. Richard Scotti, District Judge
Hutchison & Steffen, LLC/Las Vegas
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk