

Electronically Filed  
Jun 09 2021 10:22 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case Number: 81354, 81355, 81356

Appellants,

VS.

DOMINIQUE ARNOULD,

**MOTION FOR STAY OF DISTRICT  
COURT PROCEEDINGS PENDING  
APPEAL**

Respondent.

COMES NOW, CLEMENT MUNEY and CHEF EXEC SUPPLIERS, LLC, by and through their attorney of record, Robert Kern, Esq., of Kern Law, Ltd., and hereby respectfully moves this Court to stay proceedings in the District Court pending the outcome of the presently pending appeal, so that there is no unnecessary waste of Court and party resources if the appeal results in a determination that moots some or all the issues in dispute. In support of this Motion, Plaintiff incorporates herein its Memorandum in Support.

**URGENCY**

As the trial in this matter is soon approaching, with the trial readiness check scheduled for June 18, 2021, Muney respectfully requests that this motion be reviewed with all possible urgency.

## ATTEMPTS IN THE DISTRICT COURT

1 Appellant Muney attempted to seek a stay in the District Court, prior to being  
2 evicted from his home, however the District Court denied the stay, based upon its belief that  
3 the trial would only address issues not affected by the appeal, a conclusion that Muney  
4 disputes. As time is of the essence, this motion is being filed immediately after the ruling,  
5 prior to entry of the order.

## 6 **MEMORANDUM OF POINTS AND AUTHORITIES**

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8 The present appeal would potentially be dispositive of the case as a whole, including  
9 all claims or counterclaims, due to the primary claim seeking enforcement of a global  
10 settlement agreement. Appellant Muney waited to request this stay because the parties (two  
11 50-50 partners in a business) were in such dispute that the business was consistently  
12 suffering from the infighting. Although Muney opposed the appointment of a receiver and  
13 dissolution, believing that the issues could be resolved by less extreme means, Respondent  
14 Arnould successfully pushed for the company to be dissolved, and it has been dissolved,  
15 with the assets split. Now that the sides are not suffering from any delay, Muney seeks to  
16 stay the District Court proceedings to avoid an unnecessary trial.

17 In the motion for stay in the District Court, although Arnould opposed the motion,  
18 he was unable to provide any indication of harm that any party would suffer from a stay nor  
19 did he dispute that significant resources of all parties would be wasted by an unnecessary  
20 trial. Arnould did request a bond for such a stay, in the amount of the value of Muney's  
21 entire inventory from the split of the company. Arnould failed to explain what harm the  
22 such a bond was meant to protect against, nor why that amount would be appropriate, or  
23 even why a bond would be due from Muney and not Arnould in a matter without any  
judgment issued.

24 Muney believes that the District Court's reasoning in denial of the motion for stay  
25 was incorrect. The District Court held that the remaining issues for trial are only  
26 Plaintiff/Respondent Arnould's second claim, Breach of Fiduciary Duty, which the Court  
27 believed would be unaffected by the outcome of the appeal. However as the appeal requests  
28 review of a denial of a motion to enforce a global settlement, Muney prevailing in that

1 portion of the appeal would render the entire trial and all claims moot. This would mean that  
2 any trial would be a massive waste of resources for all parties as well as the Court. As  
3 neither the District Court, nor Arnould have identified any harms whatsoever of granting a  
4 stay, and the harm from moving forward to an unnecessary trial are clear, Muney  
5 respectfully requests that this Court grant the stay pending the outcome of the appeal.  
6

7 DATED this 9<sup>th</sup> day of June, 2021.  
8

9 **KERN LAW**

10 /S/ Robert Kern

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of June 2021, I served a true and correct copy of the foregoing **MOTION FOR STAY PENDING APPEAL**, by electronic service, addressed to the following:

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/s/ Robert Kern  
Employee of Kern Law