

Electronically Filed
Jun 24 2021 03:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case Number: 81354, 81355, 81356

Appellants,

VS.

DOMINIQUE ARNOULD,

Respondent.

**ERRATA TO
REPLY IN SUPORT OF MOTION FOR
STAY OF DISTRICT COURT
PROCEEDINGS PENDING APPEAL**

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 provides this errata, which contains the order of the District Court that was supposed to be attached to Appellant's Reply. Appellant apologizes for the oversight.

DATED this 24th day of June, 2021.

KERN LAW

/S/ Robert Kern

Robert Kern, Esq. NV Bar # 10104

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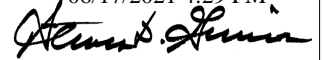
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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

DOMINIQUE ARNOULD,

Plaintiff,

vs.

CLEMENT MUNNEY; CHEF EXEC
SUPPLIERS, LLC; and DOES I through X,
inclusive; and ROE CORPORATIONS I through
X, inclusive,

Defendants,

And related counterclaims.

Case No.: A-19-803488-B
Dept. No.: 27

**ORDER DENYING
DEFENDANTS/COUNTER-CLAIMANTS'
MOTION FOR STAY PENDING APPEAL**

Defendants/Counter-Claimants' Motion for Stay Pending Appeal ("Motion") came before this Court for hearing via BlueJeans video on June 9, 2021 at 9:30 a.m., with Tabetta Martinez, Esq. of Marquis Aurbach Coffing appearing on behalf of the plaintiff Dominique Arnould ("Arnould"), and Robert Kern, Esq. appearing for defendant/counter-claimant Clement Muney ("Muney") and defendant Chef Exec Suppliers, LLC ("CES").

NOW, THEREFORE, having reviewed the Motion, all briefing related thereto, pleadings on file herein, and arguments of counsel at the time of the above identified hearing, being fully advised on the matter, and good cause appearing therefore, the Court hereby finds as follows:

1. On whether to issue a stay, the Nevada Supreme Court considers: (1) whether the object of the appeal or writ petition will be defeated if the stay is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the

1 stay is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in
2 the appeal or writ petition. Rules App. Proc., Rule 8(c); *Hansen v. Eighth Jud. Dist. Ct.*
3 *ex rel. Cty. of Clark*, 116 Nev. 650, 6 P.3d 982 (2000).

- 4 2. Here, the Court finds that Muney failed to meet its burden under the aforementioned
5 factors for a stay. Moreover, the Court does not see a basis for a stay because the trial
6 can proceed on Arnould's second cause of action regardless of Muney's pending
7 appeal. Thus, should the Supreme Court reverse the Court's previous decision, then it
8 may be dealt with in the ordinary course.

9 Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
10 Defendants/Counter-Claimants' Motion for Stay Pending Appeal is hereby DENIED.

11 IT IS SO ORDERED.

12 June 17,

Dated this 17th day of June, 2021

Nancy L Alf

DISTRICT COURT JUDGE

TW

0A8 1BF 4CB7 DEF1

Nancy Alf

District Court Judge

16 Submitted By:

Approved as to Form:

17 MARQUIS AURBACH COFFING

KERN LAW, LTD.

19 By: /s/ Alexander K. Calaway

By: /s/ Robert Kern

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Dominique Arnould, Plaintiff(s) | CASE NO: A-19-803488-B
7 vs. | DEPT. NO. Department 27
8 Clement Muney, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/17/2021

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