

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION; AND GRANDBRIDGE
REAL ESTATE CAPITAL, LLC,
Appellants,

vs.

WESTLAND LIBERTY VILLAGE, LLC,
A NEVADA LIMITED LIABILITY
COMPANY; AND WESTLAND
VILLAGE SQUARE, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Respondents.

No. 82174

FILED

FEB 11 2021

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

ORDER GRANTING STAY IN PART AND DENYING STAY IN PART

This is an appeal from a district court preliminary injunction in a business dispute. In the preliminary injunction order, the district court denied appellant Federal National Mortgage Association's (Fannie Mae) motion for a receiver based on an alleged default and granted respondents Westland Liberty Village, LLC, and Westland Village Square, LLC's motion for a preliminary injunction, enjoining foreclosure proceedings and several other actions stemming from the alleged default.

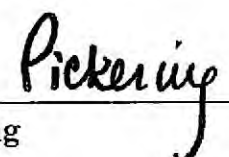
Fannie Mae has filed a motion for stay pending appeal, seeking to stay portions of the preliminary injunction other than those enjoining foreclosure proceedings. In particular, Fannie Mae seeks to stay directives (2) – (4) and (5)(b) – (o) of the district court's order. Appellant Grandbridge Real Estate Capital, LLC, has joined Fannie Mae's stay motion. Respondents have filed an opposition, and Fannie Mae has filed a reply.


When considering a motion for a stay, we consider the following factors: whether (1) the object of the appeal will be defeated absent a stay, (2) appellants will suffer irreparable or serious harm without a stay, (3) respondents will suffer irreparable or serious harm if a stay is granted, and (4) appellants are likely to prevail on the merits of the appeal. NRAP 8(c); *see also Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 659, 6 P.3d 982, 987 (2000). Additionally, we may consider the public interest in granting or denying a stay. *Clark Cty. Office of Coroner/Med. Exam'r v. Las Vegas Review-Journal*, 134 Nev. 174, 179 n.1, 415 P.3d 16, 20 n.1 (2018) (Cherry, J., concurring and dissenting) (citing *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987) (providing that courts will consider, as one factor, "where the public interest lies" when deciding a stay motion)).

Having considered the parties' arguments and supporting documents in light of the above factors and the public interest, we conclude that only a partial stay of the district court's injunction pending appeal is warranted. In particular, we stay paragraphs (2) and (3) of the district court's injunction directing that Fannie Mae remove the notices of default and election to sell from the properties' titles, such that the notices remain of record pending resolution of this appeal and further order of this court. The remainder of the requested relief is denied subject to a decision on the merits of this appeal.

It is so ORDERED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

cc: Chief Judge, Eighth Judicial District Court
Hon. Mark Denton, District Judge
Eleissa C. Lavelle, Settlement Judge
Snell & Wilmer, LLP/Las Vegas
Holland & Hart LLP/Las Vegas
Snell & Wilmer, LLP/Reno
Campbell & Williams
Law Offices of John Benedict
John W. Hofsaess
Eighth District Court Clerk