

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAX VARGAS, INDIVIDUALLY,
Appellant,
vs.
J MORALES INC.,
Respondent.

No. 82218

FILED

FEB 12 2021

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

**ORDER REGARDING JURISDICTION AND
DENYING MOTION FOR STAY**

This is an appeal from a district court order granting a motion to set aside a default judgment under NRCP 60(b). Respondent has filed a motion to dismiss this appeal for lack of jurisdiction. Having considered the motion, opposition, and reply, this court concludes further briefing regarding jurisdiction is warranted. Accordingly, briefing of this appeal is reinstated.

Appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). In addition to the merits of this appeal, the parties' briefs shall contain a detailed discussion regarding this court's jurisdiction to consider this appeal. The jurisdiction discussion should specifically address NRAP 3A(b)(8), *Lindblom v. Prime Hospitality Corporation*, 120 Nev. 372, 374 n.1, 90 P.3d 1283, 1284 n.1 (2004), *Estate of Adams v. Fallini*, 132 Nev. 814, 386 P.3d 621 (2016), and *TRP International, Inc. v. Proimtu MMI LLC*, 133 Nev. 84, 391 P.3d 763 (2017), as well as 11 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2871 (3d ed. 2016), and the authorities cited therein.

Appellant has also filed a motion for stay pending appeal.¹ Appellant did not move for a stay in the district court and this court is not convinced that moving for a stay in the district court in the first instance is impracticable. See NRAP 8(a). The motion is thus denied without prejudice so that appellant may first seek relief in the district court.

It is so ORDERED.

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 32
Hon. David M. Jones, District Judge
Peralta Law Group
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk

¹Although the motion was titled as an emergency motion and requested relief by February 1, 2021, this court determined that emergency treatment was not warranted.