

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITE HERE HEALTH; AND NEVADA  
HEALTH SOLUTIONS, LLC,

Appellants,

vs.

THE STATE OF NEVADA  
COMMISSIONER OF INSURANCE,  
BARBARA D. RICHARDSON, IN HER  
OFFICIAL CAPACITY AS STATUTORY  
RECEIVER FOR DELINQUENT  
DOMESTIC INSURER; NEVADA  
HEALTH CO-OP; AND GREENBERG  
TRAURIG, LLP,

Respondents.

UNITE HERE HEALTH, A MULTI-  
EMPLOYER HEALTH AND WELFARE  
TRUST, AS DEFINED IN ERISA  
SECTION 3(37); AND NEVADA  
HEALTH SOLUTIONS, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE TARA  
D. CLARK NEWBERRY, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA  
COMMISSIONER OF INSURANCE,  
BARBARA D. RICHARDSON, IN HER  
OFFICIAL CAPACITY AS STATUTORY  
RECEIVER FOR DELINQUENT  
DOMESTIC INSURER; NEVADA  
HEALTH CO-OP; AND GREENBERG  
TRAURIG, LLP,

No. 82467

**FILED**

**DEC 28 2021**

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

No. 82552

Real Parties in Interest.

### *ORDER GRANTING MOTION FOR STAY*

This consolidated appeal and original petition for a writ of mandamus challenge a district court order denying a motion to disqualify counsel and to disgorge attorney fees.

Petitioners/appellants moved for a stay of the district court proceedings, real party in interest filed an opposition and petitioners/appellants filed a reply. Petitioners/appellants assert that they previously moved for a stay in the district court, which was denied, even on a limited basis. *See* NRAP 8(a)(2)(A).

When deciding whether to grant a stay, this court will generally consider the following factors: (1) whether the object of the writ petition will be defeated if the stay is denied; (2) whether petitioner will suffer irreparable or serious injury if the stay is denied; (3) whether real party in interest will suffer irreparable or serious injury if the stay is granted; and (4) whether petitioner is likely to prevail on the merits in the writ petition. NRAP 8(c).

The parties each present strong competing arguments regarding the likelihood of prevailing on the merits of the petition, but we conclude that petitioners/appellants have “present[ed] a substantial case on the merits when a serious legal question is involved and [can] show that the balance of equities weighs heavily in favor of granting the stay.” *Hansen v. Eighth Judicial Dist. Ct.*, 116 Nev. 650, 659, 6 P.3d 982, 987 (2000).

Therefore, because we conclude that the NRAP 8(c) factors militate in favor of a stay, we grant the motion. The district court proceedings shall be stayed pending further order of this court.

It is so ORDERED.

1 Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Hon. Tara D. Clark Newberry, District Judge  
Bailey Kennedy  
Lewis Roca Rothgerber Christie LLP/Las Vegas  
Jenner & Block/Chicago  
Greenberg Traurig, LLP/Las Vegas  
Jenner & Block/Los Angeles  
Eighth District Court Clerk