

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELK POINT COUNTRY CLUB
HOMEOWNERS' ASSOCIATION, INC.,
A/K/A ELK POINT COUNTRY CLUB,
INC., A NEVADA NON-PROFIT, NON-
STOCK CORPORATION,

Appellant,

vs.

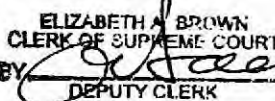
K.J. BROWN, L.L.C., A NEVADA
LIMITED LIABILITY COMPANY; AND
TIMOTHY D. GILBERT AND NANCY
AVANZINO GILBERT, AS TRUSTEES
OF THE TIMOTHY D. GILBERT AND
NANCY AVANZINO GILBERT
REVOCABLE FAMILY TRUST DATED
DECEMBER 27, 2013.

Respondents.

No. 82484

FILED

JAN 24 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTIONS

This appeal involves a challenge to a preliminary injunction limiting rentals of properties in the Elk Point Subdivision. A number of individuals, property owners in the subdivision, have filed a motion for leave to file an amicus brief in support of appellant. The property owners contend they are directly aggrieved by the preliminary injunction and as such are uniquely motivated to seek reversal of the injunction and assist in educating this court of the errors inherent in the injunction. They also propose to offer the court a different perspective and legal analysis in support of appellant's brief. Respondents oppose the motion, and proposed amici have filed a reply.

Additionally, two other proposed amici, Cathy Oyster and Steven Gabriel have filed a pro se motion for leave to file an amicus brief in support of respondents. Appellant opposes the motion.

An amicus brief should only be allowed when a party is not represented competently or is not represented at all, when the amicus has an interest in some other case that may be affected by the decision in the present case, or when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide. *Ryan v. Commodity Futures Trading Commission*, 125 F.3d 1062, 1063 (7th Cir. 1997). Here none of the proposed amici are inadequately represented or have an interest in another case that may be affected. Accordingly, the motion for leave to file amicus briefs are denied. The clerk of this court shall strike the amicus brief filed on October 25, 2021, and shall return the amicus brief received from Oyster and Gabriel on December 6, 2021, unfiled.

Respondents have also filed a motion to lift the stay of the injunction imposed by the district court. Appellant opposes lifting the stay, and respondents have filed a reply. This court concludes that respondents have not demonstrated that the stay should be lifted at this time. Accordingly, the motion to lift the stay is denied.

It is so ORDERED.¹

 C.J.

cc: Resnick & Louis, P.C./Las Vegas
Leach Kern Gruchow Anderson Song/Reno
Leach Kern Gruchow Anderson Song/Las Vegas
Fennemore Craig, P.C./Las Vegas

¹In light of the instant order, respondents' request for judicial notice is denied as moot.