

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGARDO P. YUSI; AND KEOLIS
TRANSIT SERVICES, LLC,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,

Respondents,

and

HEATHER FELSNER,
Real Party in Interest.

No. 82625

FILED

JAN 20 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER GRANTING MOTION

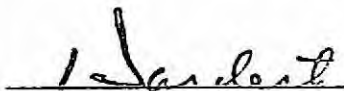
This original petition for a writ of mandamus or prohibition challenges a discovery commissioner ruling regarding a psychological examination pursuant to NRCP 35 and NRS 52.380. Petitioners have moved to stay the district court proceedings pending this court's resolution of their writ petition. The motion is opposed.

In considering whether to grant a stay pending resolution of a writ petition, this court looks to the following factors: (1) whether the object of the petition will be defeated if the stay is denied; (2) whether the petitioner will suffer irreparable or serious injury if the stay is denied; (3) whether the real party in interest will suffer irreparable or serious injury if the stay is granted; and (4) whether the petitioner is likely to prevail on the merits of the writ petition. NRAP 8(c). A strong showing on some factors may counterbalance weak factors. *See Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2004).

Applying these principles, and having considered petitioners' motion, real party in interest's opposition, and petitioners' reply, this court concludes that, on balance, the pertinent factors weigh in favor of the requested stay. Accordingly, the motion is granted, and the district court proceedings shall be stayed pending further order of this court.

It is so ORDERED.¹


Parraguirre, C.J.

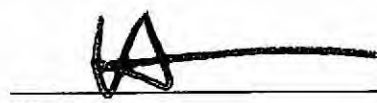

Hardesty, J.


Stiglich, J.


Cadish, J.


Silver, J.


Pickering, J.


Herndon, J.

cc: Hon. Nancy L. Allf, District Judge
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Shook & Stone, Chtd.
The Powell Law Firm
Schwab Law Firm PLLC
Eighth District Court Clerk

¹Given this determination, the emergency motion for stay filed on January 20, 2022, is denied as moot.