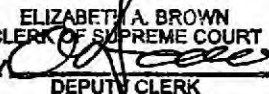IN THE SUPREME COURT OF THE STATE OF NEVADA

SR CONSTRUCTION, INC., A NEVADA
DOMESTIC CORPORATION,
Appellant,
vs.
PEEK BROTHERS CONSTRUCTION,
INC., A NEVADA DOMESTIC
CORPORATION,
Respondent.

No. 82786

FILED

JUN 2 8 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY_____
DEPUTY CLERK

ORDER GRANTING STAY

This is an appeal from a district court order denying a motion to compel arbitration. Appellant filed an emergency motion to stay the ongoing district court proceedings pending appeal, and on June 11, 2021, we granted a temporary stay pending our receipt and consideration of any opposition. Respondent has filed an opposition, and appellant has filed a reply.
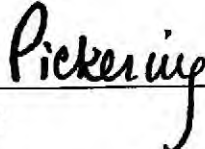
In considering whether to grant a stay pending appeal, we are guided by the following factors: (1) whether the object of the appeal will be defeated if the stay is denied; (2) whether the appellant will suffer irreparable or serious injury if the stay is denied; (3) whether the respondent will suffer irreparable or serious injury if the stay is granted; and (4) whether the appellant is likely to prevail on the merits of the appeal. NRAP 8(c). Further, although no single factor is dispositive, where, as here, the appeal is from an order refusing to compel arbitration, "the first stay factor takes on added significance and generally warrants a stay of trial court proceedings pending resolution of the appeal," "absent a strong showing that the appeal lacks merit or that irreparable harm will result if

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a stay is granted." *Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251-52, 89 P.3d 36, 38 (2004).

Having considered the motion, opposition, reply, and supporting exhibits in light of the above standard, we conclude that, on balance, the pertinent factors weigh in favor of stay. Accordingly, we grant the motion and stay the underlying district court proceedings pending further order of this court.

It is so ORDERED.

_____, J.
Cadish

_____, J.
Pickering

_____, J.
Herndon

cc: Hon. Barry L. Breslow, District Judge
       Allison Law Firm, Chtd.
       Viloria, Oliphant, Oster & Aman L.L.P.
       Washoe District Court Clerk