

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN B. CHILDS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ADRIANA ESCOBAR, DISTRICT
JUDGE,

Respondents,

and

WLAB INVESTMENT, LLC; TKNR,
INC., A CALIFORNIA CORPORATION;
CHI ON WONG, A/K/A CHI KUEN
WONG, AN INDIVIDUAL; KENNY
ZHONG LIN, A/K/A KEN ZHONG LIN,
A/K/A KENNETH ZHONG LIN, A/K/A
WHONG K. LIN, A/K/A CHONG
KENNY LIN, A/K/A ZHONG LIN, AN
INDIVIDUAL; LIWE HELEN CHEN,
A/K/A HELEN CHEN, AN
INDIVIDUAL; YAN QUI ZHANG, AN
INDIVIDUAL; INVESTPRO LLC, D/B/A
INVESTPRO REALTY, A NEVADA
LIMITED LIABILITY COMPANY; MAN
CHAU CHENG, AN INDIVIDUAL;
JOYCE A. NICKRANDT, AN
INDIVIDUAL; INVESTPRO
INVESTMENTS LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
INVESTPRO MANAGER LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND JOYCE A.
NICKDRANDT, AN INDIVIDUAL,
Real Parties in Interest.

No. 82967

FILED

JUN 24 2021

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

ORDER DIRECTING ANSWER AND GRANTING STAY

This original petition seeks a writ of mandamus or prohibition directing the district court to withdraw the imposition of NRCP 11 sanctions against petitioner. Having reviewed the petition, it appears that an answer may assist this court in resolving this matter. Therefore, real parties in interest, on behalf of respondents, shall have 28 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the requested writ. Petitioner shall have 14 days from service of the answer to file and serve any reply.

Further, petitioner has filed a motion and emergency motion to stay enforcement of the sanctions order against him pending resolution of this writ petition. Real parties in interest oppose the motion on procedural grounds, and petitioner has filed a reply. In considering whether to grant such a stay, we are guided by the following factors: (1) whether the object of the writ 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 parties 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 in the writ petition. NRAP 8(c).

Applying these principles, and having considered the motion, opposition, and reply, we conclude that, on balance, the pertinent factors weigh in favor of a stay. In particular, although we do not express an opinion at this juncture as to the ultimate merits of the petition, the failure of real parties in interest to address this factor in their opposition outweighs the other relevant factors. *See Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2004) (explaining that in evaluating a motion to stay, no single factor is dispositive and a strong showing on some factors

may counterbalance weak factors).¹ Accordingly, we grant petitioner's motion and stay enforcement of the district court's sanctions order pending further order of this court.

It is so ORDERED.

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

cc: Hon. Adriana Escobar, District Judge
Benjamin B. Childs
Michael B. Lee, P.C.
Day & Nance
Eighth District Court Clerk

¹In addition, we are not persuaded by real parties in interest's assertion that the motion to stay is procedurally improper under NRAP 8 or NRCP 62.