

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VENETIAN CASINO RESORT, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND LAS VEGAS SANDS,  
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  
KATHLEEN E. DELANEY, DISTRICT  
JUDGE,

Respondents,

and

JOYCE SEKERA, AN INDIVIDUAL,  
Real Party in Interest.

No. 83600-COA

**FILED**

NOV 16 2021

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

*ORDER GRANTING STAY*

This original petition for a writ of mandamus or prohibition challenges a district court discovery order compelling production of prior incident reports with limited redactions. Petitioners filed an emergency motion seeking to stay the district court's order pending our consideration of this writ petition, and on October 12, 2021, we directed real party in interest to file an answer to the petition and temporarily stayed the district court's discovery order pending our receipt and consideration of any opposition to the stay motion. Real party in interest has now filed an opposition, and petitioners have filed a reply to the opposition. Further, real party in interest has moved for a 30-day extension of time to file her answer to the petition.

In her opposition, real party in interest first points out that, while petitioners orally sought and were granted a 30-day stay of proceedings in the district court in order to file this writ petition, petitioners failed to demonstrate that they sought the relief requested here—a stay of the order compelling disclosure—in the district court. See NRAP 8(a)(1) (requiring that, in most circumstances, motions for stay be made in the district court in the first instance); see also NRAP 27(e)(4) (providing that an emergency motion must state whether (and if not, why not) all grounds advanced for relief were first submitted to the district court). We agree that petitioners should have sought complete relief in the district court first. Given the history of this case and the length of time already consumed by the issue raised herein, however, we decline to return the stay matter to the district court. Therefore, we will consider the stay motion on its merits.

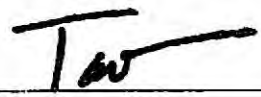
When deciding whether to grant a stay pending writ proceedings, we consider the following factors: (1) whether the object of the writ petition will be defeated absent a stay, (2) whether petitioners will suffer irreparable or serious harm without a stay, (3) whether real party in interest will suffer irreparable or serious harm if a stay is granted, and (4) whether petitioners are likely to prevail on the merits of the petition. NRAP 8(c); see *Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 657, 6 P.3d 982, 986 (2000). Having considered the parties' arguments for and against the stay under these factors, we conclude that a stay is warranted pending our consideration of this writ petition. In particular, the object of the petition will be defeated and assertedly private information will be released absent a stay, and the other factors do not otherwise weigh strongly against a stay. Accordingly, we grant petitioners' motion and stay

the September 7, 2021, district court order compelling production of prior incident reports pending further order of this court.

Real party in interest's motion for an extension of time to file her answer is also granted. The answer is due on or before December 9, 2021.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Kathleen E. Delaney, District Judge  
Royal & Miles, LLP  
Claggett & Sykes Law Firm  
The Galliher Law Firm  
Eighth District Court Clerk