

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF: CHRISTINE B.
JOHNSON, A/K/A CHRISTINE B.
WEIDERMAN, AN ADULT
PROTECTED PERSON.

No. 83912-COA

FILED

DEC 21 2021

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

CHRISTINE B. JOHNSON, A/K/A
CHRISTINE B. WEIDERMAN,
Appellant,
vs.
KAREN KELLY, CLARK COUNTY
PUBLIC GUARDIAN; AND MOUNTAIN
VIEW CARE CENTER,
Respondents.

ORDER REGARDING STAY

This is an appeal from a district court order granting letters of guardianship over appellant's person and estate. Appellant has filed an emergency motion for stay of the district court's order pending appeal, indicating that the matter is urgent because she has been diagnosed with a terminal disease and is currently very ill.


Under NRAP 8(a)(1), a motion for stay pending appeal generally must be made to the district court in the first instance, as the district court has a hugely greater familiarity with the facts and circumstances of the case. *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005), *as modified* (Jan. 25, 2006). Here, appellant explains that she moved, unopposed, for a stay in the district court on order shortening time, but when the district court heard the matter on December 16, 2021, it did

not resolve the stay motion but instead sought additional information on collateral matters without indicating when it would decide the stay motion.

We conclude that, given its familiarity with the case, the district court is in the better position to make the initial stay decision. The appealed decision is a form order lacking specific factual findings, and it does not appear that the district court has yet entered such written findings and conclusions on the guardianship decision. The matter was contested below, but it apparently was decided without an evidentiary hearing, and moreover, appellant has stated that she has been unable to obtain transcripts of either the guardianship hearing or the stay motion hearing due to the emergency nature of the current request. Accordingly, the basis for the district court's decision is unclear at this point, and we defer ruling on the stay motion pending the district court's resolution of the motion before it, preferably by written order containing relevant analysis. We anticipate that the district court will expedite this matter as warranted. The parties may file any response to the stay motion before this court and/or the district court's stay decision within 14 days from the date of this order.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marquis, District Judge, Family Court Division
Legal Aid Center of Southern Nevada, Inc.
Boyer Law Group
Carling Law Office PC
Eighth District Court Clerk