

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NECHOLE GARCIA,
Appellant,
vs.
EVGENY SHAPIRO,
Respondent.

No. 83992-COA

FILED

FEB 10 2022

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

ORDER DENYING STAY

This is an appeal from a district court order determining child custody and support. Appellant has filed an emergency motion for stay pending appeal, seeking to halt the parenting time schedule set forth in the district court's order and to revert to the temporary schedule the parties were following before that decision was rendered. Appellant alleges that the district court's schedule is causing distress to the parties' child, who has special needs. Respondent has filed an opposition, pointing to differing opinions on the needs of the child and the decreased parenting time he would have under the proposed temporary schedule.


Under NRAP 8(a), a party generally must seek stay relief first in the district court. Although appellant asserts that the district court denied stay relief on January 12, 2022, she did not provide this court with a copy of the district court order resolving the stay motion or any reasons given for the denial. See NRAP 8(a)(2)(A)(ii). We have nevertheless considered the motion before us.

When deciding a motion for stay pending resolution of an appeal in child custody matters, we consider the following four factors: (1) whether the grant or denial of a stay will cause the child to suffer hardship or harm; (2) whether the grant of a stay will cause the nonmoving

party to suffer hardship or harm; (3) whether the movant is likely to prevail on the merits of the appeal; and (4) whether any other existing equitable considerations warrant the grant or denial of a stay. NRAP 8(d). Having considered the parties' arguments in light of these factors, we conclude that the factors do not militate in favor of a stay. Accordingly, we deny the stay motion.

It is so ORDERED.

 C.J.
Gibbons

 J.
Tao

 J.
Bulla

cc: Hon. Mathew Harter, District Judge
Rosenblum Law Offices
Isso & Hughes Law Firm
Eighth District Court Clerk