

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAHICAN, LLC,  
Petitioner,

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

MAX JOLY; PATRICIA JOLY; JEAN  
FRANCOIS RIGOLLET; LE MACARON  
LLC; AND BYDOO, LLC,  
Real Parties in Interest.

No. 84352

**FILED**

APR 04 2022

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

*ORDER GRANTING STAY AND DIRECTING ANSWER*

This is an original petition for a writ of mandamus seeking to compel the district court to grant an order to expunge a lis pendens. Petitioner filed a motion for stay that is unopposed by real parties in interest.

As an initial matter, a party must first move in the district court for a stay of proceedings. NRAP 8(a)(1)(A). Petitioner filed a motion for stay in the district court, which was denied for the purposes of NRAP 8, which the district court confirmed in a March 1, 2022, hearing.

This court will generally consider the following factors in determining whether to grant a stay: (1) whether the object of the appeal will be defeated if the stay is denied; (2) whether appellants will suffer irreparable or serious injury if the stay is denied; (3) whether respondent will suffer irreparable or serious injury if the stay is granted; and (4) whether appellants are likely to prevail on the merits in the appeal. NRAP 8(c).


Petitioner argues that the purpose of this petition is to remove the lis pendens on the property, and that this purpose will be defeated if the stay is denied as petitioner will continue to be prevented from use of the property for the duration of the underlying case and any subsequent appeal. Petitioner argues the continued slander of title on the property will constitute an irreparable injury if the underlying case is allowed to go forward and the lis pendens remains. Petitioner contends that the only potential injury to real parties in interest is a delay in litigation, which does not constitute irreparable harm. And finally, petitioner argues it has a likelihood of success on the merits, as the lis pendens is inappropriate to secure property that is not at issue in the underlying matter.

Having considered the unopposed motion, we conclude that a stay is warranted. *See* NRAP 8(c). The four factors of NRAP 8(c) each militate in favor of a stay, and the balance of equities therefore weighs in favor of granting a stay. Accordingly, we stay district court proceedings in case no. A-16-734832-C.

Additionally, having considered the petition, it appears that an answer to the petition will assist this court in resolving this matter. Therefore, real parties in interest, on behalf of respondents, shall have 30 days from the date of this order within which to file 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.

It is so ORDERED.

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Stiglich

cc: Hon. Kathleen E. Delaney, District Judge  
Cory Reade Dows & Shafer  
Jean Francois Rigollet  
Jennings & Fulton, Ltd.  
Eighth District Court Clerk