

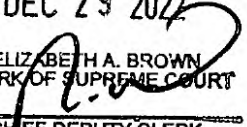
IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK NMSD, LLC, D/B/A THE
SANCTUARY,
Appellant,
vs.
JENNIFER M. GOLDSTEIN, AN
INDIVIDUAL,
Respondent.

No. 84623

FILED

DEC 29 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER DENYING STAY AND INJUNCTION
AND GRANTING IN PART MOTION FOR EXTENSION OF TIME
TO FILE ANSWERING BRIEF*

This is an appeal from a district court order denying relief in third-party post-judgment collection proceedings under NRS 31.070.

Appellant has filed an emergency motion to stay the district court post-judgment proceedings or to enjoin respondent from pursuing any collection activities against anyone besides the judgment debtor, NuVeda, LLC, including by seeking a receivership over NuVeda's former subsidiaries

and affiliates.¹ Respondent has filed an opposition,² and appellant has filed a reply.

Having reviewed the parties' filings, we deny the motion for a stay or injunction pending appeal. First, appellant failed to properly comply with NRAP 8(a)(1) & (2), as its request in the NRS 31.070 proceedings to enjoin further collection efforts and its request for a stay, interposed at the end of its reply below and later withdrawn, are insufficient to show that the district court denied a stay or injunction pending appeal or that seeking a stay or injunction from the district court was impracticable. *See TRP Fund VI, LLC v. PHH Mortg. Corp.*, 138 Nev., Adv. Op. 21, 506 P.3d 1056, 1058 (2022). Second, even if appellant had met NRAP 8(a)'s requirements, it has not demonstrated that the requested relief is warranted under the NRAP 8(c) factors, especially as this appeal properly seeks review of the district

¹Appellant appropriately filed a supplement to its motion and, later, a status report informing this court of ongoing proceedings in the district court that affect its request for relief from this court; however, we note that the documents inappropriately contain further argument on the merits of the motion. Nevertheless, we have considered them, as well as respondent's response to the status report.

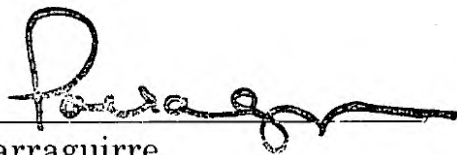
On December 15, 2022, NuVeda filed a notice of appearance in this appeal and a joinder to appellant's emergency motion. As NuVeda has not filed a notice of appeal and is not otherwise a party to this appeal, however, we direct the clerk of this court to strike the notice of appearance and joinder.

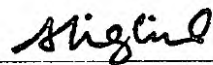
²Although respondent incorrectly asserts that the NRAP 27(a)(3) response deadlines do not apply to emergency motions, we grant her opposed and untimely motion for an extension of time to file the response; her opposed request to exceed the page limit is also granted, as the proposed extra pages promote understanding of the issues presented in the motion. Thus, the response and accompanying appendix filed on December 16, 2022, are permitted, and we decline appellant's request to strike them.


court's order denying NRS 31.070 relief only as to appellant and the anticipated harm to appellant from future district court actions is, at this stage, speculative. Accordingly, we deny the motion for a stay or injunction pending appeal.

Finally, respondent's opposed motion for a 60-day extension of time to file the answering brief originally due on December 21, 2022, is granted in part. Respondent shall have 30 days from the date of this order to file and serve the opening brief.

It is so ORDERED.

 J.
Parraguirre

 J.
Stiglich

 J.
Herndon

cc: Hon. Joanna Kishner, District Judge
Law Office of Mitchell Stipp
Dickinson Wright PLLC
Eighth District Court Clerk