

Alex Ghibaud, Esq.  
Nevada Bar Number: 10592  
**ALEX GHIBAUDO, PC**  
197 E California Ave Suite 250  
Las Vegas, Nevada 89104  
T: (702) 462-5888  
E: alex@glawvegas.com  
*Attorney for Real Party In Interest*

Electronically Filed  
Jul 05 2022 11:11 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE COURT OF APPEALS FOR THE STATE OF NEVADA**

ADAM MICHAEL SOLINGER,  
Petitioner,

vs.

CLARK COUNTY DISTRICT COURT,  
FAMILY DIVISION, THE  
HONORABLE JUDGE MARY PERRY,  
DEPT. P,

Respondent,

And

CHALESE MARIE SOLINGER,  
Real Party In Interest.

Docket No.: 84795-COA  
Dist. Court Case No. D-19-582245-D

**REAL PARTY IN INTEREST**  
**CHALESE SOLINGER'S ANSWER**  
**TO PETITIONER'S**  
**SUPPLEMENT TO WRIT**  
**PETITION**

**I. INTRODUCTION**

The question posed by the Court of Appeals is whether the ability to move for a stay motion in any appeal precludes writ relief. Respondent/Real Party in Interest Chalese Solinger (Chalese) posits it does, not necessarily in any appeal, but certainly in this one, for the reasons set forth below.

## **I. PROCEDURAL HISTORY**

Petitioner (Adam) filed a notice of appeal on May 27, 2022, the same day that a notice of entry of order of the decree of divorce was entered. On that same day, he filed a motion to stay judgment pending an appeal in accordance with NRAP 8(1) in the district court. See Petitioner's Appendix, bates stamp 0008-0027. On May 31, 2022 the district court denied his motion. Petitioner's Appendix, bates stamp 0084-0088. On June 9, 2022 the appeal was docketed with the Nevada Supreme Court (Docket No. 84832). On June 2, 2022, this Court issued its order staying the execution of judgment pending supplemental briefing.

## **II. ARGUMENT**

Adam asserts that writ relief is appropriate despite an adequate legal remedy at law (i.e., he can now pursue his motion to stay on an emergency basis pursuant to NRAP 8(2) and NRAP 27(e)). His chief complaint is that the district court failed to address NRCP 62(d)(2) and thus abused its discretion and acted capriciously and arbitrarily when it denied his motion to stay the challenged judgment. If it had considered the rule cited, Adam reasons, a stay would have issued providing him the adequate time needed to proceed on a direct appeal, as he has done. Adam misapprehends the rules. Peititioner's Brief, page 5, lines 13-15.

NRCP 62(d)(2) applies to bonds. More to the point, it applies to him. If Adam was compelled to pay a judgment for money damages, he could either post a

supersedeas bond in the amount of the judgment or have the district court, Court of Appeals, or Supreme Court waive that bond and stay execution of the judgment on appeal. Adam believes that the district court had no discretion in ordering the disbursal of money held in trust for at least 30 days pursuant to that rule, which is inapplicable to what he is demanding – a stay of the disbursal of money held in trust as and for attorney’s fees to Chalese – a judgment adverse to Adam.

In support, Adam states: “In ordinary cases, nearly all judgments are stayed from execution for 30 days...” citing NRCP 62(a)(1). See Adams Supplemental Brief, page 3, lines 26-27. But, Adam neglects to present the entirety of the rule, which is as follows: “Except as stated in this rule, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 30 days have passed after service of written notice of its entry, unless the court orders otherwise.” (Emphasis added); See NRCP 62(a)(1). The district court in fact ordered otherwise. Petitioner’s Appendix, Bates Stamp 0077, lines 20-26; bates stamp 0078-0079.

Nothing in the rule limits the district court from doing so. It exercised its discretion and Adam does not explain how the exercise of its discretion was abused, or, rather, that decision was arbitrary and capricious, aside from saying the timing inconvenienced him; i.e., “[h]ad the district court not arbitrarily ordered the disbursal within 5 days, with 3 of those days being over the Memorial Day Weekend, the Petitioner could have moved for a stay in the ordinary course as part

of the appeal.” See Adams supplemental brief, page 3, lines 27-28; page 4, lines 1-2.

Thus, according to Adam, the district court abused its discretion and acted in an arbitrary and capricious manner by interrupting his holiday. Furthermore, Adam admits he had the requisite time to move for a stay in the ordinary course except that doing so would have put a damper on his holiday weekend. *Id.* This is not a legal argument. It is not a legitimate reason to file a writ petition in lieu of a motion to stay in the Supreme Court case (84832).

In any event, these original proceedings appear to be moot as there is an appeal now pending and there has been a motion to stay the judgment pending appeal in the district court, which was denied, allowing Adam to proceed with his motion to stay judgment in the Supreme Court case (docket no. 84832) pursuant to NRAP 8. That motion may be made on an emergency basis and a decision rendered before this Court renders its judgment in this matter. It is true that the *Segovia* Court held that “despite an available legal remedy, this court may still entertain a petition for writ relief where the circumstances reveal urgency and strong necessity.” *Segovia v. Eighth Judicial Dist. Court of Nev.*, 407 P.3d 783, 785 (Nev. 2017). There is no longer an urgency or a strong necessity for writ relief because Adam may move the Supreme Court for a stay of the challenged judgment in the existing appellate matter.

Adam wishes for this Court to reverse the district court's denial of his motion to stay in the district court but he can do the exact same thing before the Supreme Court pursuant to NRAP 8(2). Therefore, again, there is no strong necessity for writ relief. In fact, it would fly in the face of the appellate rules. Adam is asking this Court to circumvent NRAP 8 which provides the mechanism for a stay of execution of a challenged judgment. Rather, Adam wants this Court to reverse a decision the district court already made despite the fact that there is a speedy legal remedy at hand – NRAP 8(2) which should be filed in docket no. 84832. It is a waste of judicial resources and a waste of everyone's money and time to proceed on two appeals when the same relief may be obtained in one. Not to mention that it is improper as there is an established mechanism to achieve the same result – a motion pursuant to NRAP 8(2).

### **III. CONCLUSION**

For these reasons, this Court should dismiss and/or deny Adam's writ petition and direct him to proceed in the Supreme Court pursuant to NRAP 8(2) in docket no. 84832.

Dated this 5<sup>th</sup> day of July, 2022.

Respectfully Submitted,

*//s//Alex Ghibaud*

---

Alex Ghibaud, Esq., Nev. Bar No. 10592  
*Attorney for Real Party In Interest*

## **CERTIFICATE OF COMPLIANCE**

1. I hereby certify that this petition complies with the formatting requirements of NRAP 32 (a)(4), the typeface requirements of NRAP 32 (a)(5) and the type style requirements of NRAP 32 (a)(6) because:
2. This petition has been prepared in a proportionally spaced typeface using Microsoft Word Version 16.9.1 (2017) in size 14 font, Times New Roman.
3. I further certify that that this petition complied with the page-or type limitations of NRAP 21(d) because it does not exceed 5 pages.
4. Finally, I hereby certify that I have read this petition, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

////

////

////

I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 5<sup>th</sup> day of July, 2022.

Respectfully Submitted,

*//s//Alex Ghibaud*

---

Alex Ghibaud, Esq.  
Nevada Bar No. 10592  
*Attorney for Chalese Solinger*  
*Real Party In Interest*

**NRAP 26.1 Disclosure**

Undersigned counsel of record certifies that the following are persons and entities, as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the Justices of this Court may evaluate possible disqualification or recusal: 1) Parent Corporation: None; 2) Publicly held company that owns 10% or more of the party's stock: None; 3) Law firms who have appeared or are expected to appear for Real Party In Interest: Alex B. Ghibaud, PC

Dated this 5<sup>th</sup> day of July, 2022.

Respectfully Submitted,

*//s//Alex Ghibaud*

---

Alex Ghibaud, Esq.  
Nevada Bar No. 10592  
*Attorney Real Party In Interest*

**CERTIFICATE OF SERVICE BY MAIL**

I hereby certify that I am the Petitioner in this case, and that this 5<sup>th</sup> day of July, 2022, I mailed the foregoing **REAL PARTY IN INTEREST CHALESE SOLINGER'S ANSWER TO PETITIONER'S SUPPLEMENT TO WRIT PETITION** to the following parties and I have also emailed a copy:

Adam M. Solinger, Nevada Bar No. 13963  
2790 W. Sahara Ave  
Las Vegas, NV 89102  
**In Proper Person**

Honorable Judge Mary Perry  
EIGHTH JUDICIAL DIST. CT. JUDGE  
601 N. Pecos Rd  
Las Vegas, NV 89155  
(702) 455-1340  
deptplc@clarkcountycourts.us  
**Respondent Court**