

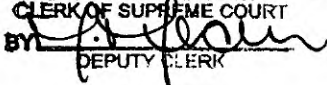
IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTATE OF REBECCA POWELL,  
THROUGH BRIAN POWELL, AS  
SPECIAL ADMINISTRATOR; DARCI  
CREECY, INDIVIDUALLY AND AS  
HEIR; TARYN CREECY,  
INDIVIDUALLY AND AS HEIR;  
ISAIAH KHOSROF, INDIVIDUALLY  
AND AS HEIR; AND LLOYD CREECY,  
INDIVIDUALLY,  
Appellants,  
vs.  
VALLEY HEALTH SYSTEM, LLC,  
D/B/A CENTENNIAL HILLS HOSPITAL  
MEDICAL CENTER, A FOREIGN  
LIMITED LIABILITY COMPANY,  
Respondent.

No. 84861

**FILED**

APR 13 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING MOTION TO REQUIRE POSTING OF OR  
INCREASING AMOUNT OF SUPERSEDEAS BOND*

This is an appeal from a district court judgment awarding respondent \$110,849.85 in attorney's fees and \$8,056.93 in costs. The district court granted appellants' motion to stay enforcement of the judgment pending determination of their appeal. The district court further concluded that appellants had already posted a \$500 appeal bond<sup>1</sup> and did not require additional bond to secure the stay. Respondent subsequently filed a motion in this court to require appellants to post a supersedeas bond equivalent to the amount of the judgment plus accrued interest. This court

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<sup>1</sup>In its motion, respondent asserts that the docket sheets from both the district court and this court contradict the district court's finding that appellants already posted bond. Respondent appears to be correct that neither docket sheet reflects payment of the appeal bond.

remanded the matter for the limited purpose of allowing the district court to consider respondent's motion. Following full briefing and a hearing, the district court entered an order denying respondent's motion and declining to require appellants to post additional security. Respondent has now filed a second motion in this court to require the posting of or increasing the amount of supersedeas bond required of appellants. Respondent argues that the district court manifestly abused its discretion by denying the motion absent evidence that any alternative security protected respondent's judgment. Appellants have filed an opposition, in which they argue that respondent's motion is not permitted by rule or statute and that the district court properly weighed the relevant factors.<sup>2</sup> Respondent has filed a reply.

The purpose of security for a stay pending appeal is to protect the judgment creditor's ability to collect the judgment if it is affirmed by preserving the status quo. *Nelson v. Heer*, 121 Nev. 832, 835, 122 P.3d 1252, 1254 (2005). This court has recognized that usually a supersedeas bond in the full judgment amount will afford adequate security. *Id.* at 834, 122 P.3d at 1253. However, we have further recognized that the district court has greater familiarity with the facts and circumstances of the case and should be granted broad discretion in determining the appropriate security for a stay. *See id.* at 834-36, 122 P.3d at 1253; *TRP Fund VI, LLC v. PHH Mortg. Corp.*, 138 Nev., Adv. Op. 21, 506 P.3d 1056, 1058 (2022). "[T]he district

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<sup>2</sup>Although appellants' opposition does not comply with the page limits set forth in NRAP 27, it was inadvertently filed on April 6, 2023. Appellants' counsel is admonished that all future filings shall comply with this court's procedural rules. This court takes no action in regard to respondent's letter filed on April 6, 2023. *See In re Petition to Recall Dunleavy*, 104 Nev. 784, 787, 769 P.2d 1271, 1273 (1988) ("NRAP 27(a) contemplates that requests for relief from the court be presented in a formal motion, not through an informal letter addressed to the clerk.").

court is better positioned to resolve any factual disputes concerning the adequacy of any proposed security, while this court is ill suited to such a task." *Nelson*, 121 Nev. at 836, 122 P.3d at 1254; *see also* NRAP 8(a)(1)(B) (providing that, generally, a party must seek approval of a supersedeas bond in the district court before moving this court for relief). Having reviewed the documents in this case, this court concludes that the district court properly considered the five factors adopted in *Nelson* to determine when a full supersedeas bond may be waived and did not abuse its discretion by finding that a lesser amount will adequately preserve the status quo. *See id.* at 836, 122 P.3d at 1254 (quoting *Dillon v. City of Chicago*, 866 F.2d 902, 904-905 (7th Cir. 1988)). Accordingly, this court denies respondent's motion to increase the amount of bond required of appellants. If they have not already done so, appellants may obtain a stay by posting the \$500 bond as ordered by the district court.

It is so ORDERED.

\_\_\_\_\_*Shiglin*\_\_\_\_\_, C.J.

cc: Paul Padda Law, PLLC  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas