

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AM-
GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
GAGE VILLAGE COMMERCIAL
DEVELOPMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellants/Cross-Respondents,
vs.

ALBERT THOMAS, INDIVIDUALLY;
JANE DUNLAP, INDIVIDUALLY; JOHN
DUNLAP, INDIVIDUALLY; BARRY
HAY, INDIVIDUALLY; MARIE-ANNE
ALEXANDER, AS TRUSTEE OF THE
MARIE-ANNIE ALEXANDER LIVING
TRUST; MELISSA VAGUJHELYI AND
GEORGE VAGUJHELYI, AS TRUSTEES
OF THE GEORGE VAGUJHELYI AND
MELISSA VAGUJHELYI 2001 FAMILY
TRUST AGREEMENT, U/T/A APRIL 13,
2001; D' ARCY NUNN, INDIVIDUALLY;
HENRY NUNN, INDIVIDUALLY;
MADELYN VAN DER BOKKE,
INDIVIDUALLY; LEE VAN DER
BOKKE, INDIVIDUALLY; DONALD
SCHREIFELS, INDIVIDUALLY;
ROBERT R. PEDERSON,
INDIVIDUALLY AND AS TRUSTEE OF
THE PEDERSON 1990 TRUST; LOU
ANN PEDERSON, INDIVIDUALLY AND
AS TRUSTEE OF THE PEDERSON 1990
TRUST; LORI ORDOVER,
INDIVIDUALLY; WILLIAM A.
HENDERSON, INDIVIDUALLY;
CHRISTINE E. HENDERSON,
INDIVIDUALLY; LOREN D. PARKER,
INDIVIDUALLY; SUZANNE C.
PARKER, INDIVIDUALLY; MICHAEL

No. 85915 ✓

FILED

APR 15 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

IZADY, INDIVIDUALLY; STEVEN
TAKAKI, INDIVIDUALLY; FARAD
TORABKHAN, INDIVIDUALLY; SAHAR
TAVAKOL, INDIVIDUALLY; M&Y
HOLDINGS, LLC; JL&YL HOLDINGS,
LLC; SANDI RAINES, INDIVIDUALLY;
R. RAGHURAM, INDIVIDUALLY; USHA
RAGHURAM, INDIVIDUALLY; LORI K.
TOKUTOMI, INDIVIDUALLY; GARRET
TOM, INDIVIDUALLY; ANITA TOM,
INDIVIDUALLY; RAMON FADRILAN,
INDIVIDUALLY; FAYE FADRILAN,
INDIVIDUALLY; PETER K. LEE AND
MONICA L. LEE, AS TRUSTEES OF
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TRUST; DOMINIC YIN,
INDIVIDUALLY; ELIAS SHAMIEH,
INDIVIDUALLY; JEFFREY QUINN,
INDIVIDUALLY; BARBARA ROSE
QUINN, INDIVIDUALLY; KENNETH
RICHE, INDIVIDUALLY; MAXINE
RICHE, INDIVIDUALLY; NORMAN
CHANDLER, INDIVIDUALLY; BENTON
WAN, INDIVIDUALLY; TIMOTHY D.
KAPLAN, INDIVIDUALLY; SILKSCAPE
INC.; PETER CHENG, INDIVIDUALLY;
ELISA CHENG, INDIVIDUALLY; GREG
A. CAMERON, INDIVIDUALLY; TMI
PROPERTY GROUP, LLC; RICHARD
LUTZ, INDIVIDUALLY; SANDRA LUTZ,
INDIVIDUALLY; MARY A. KOSSICK,
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WILLIAMS, INDIVIDUALLY;
JACQUELIN PHAM, INDIVIDUALLY;

MAY ANN HOM, AS TRUSTEE OF THE
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DOUG MECHAM, INDIVIDUALLY;
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KWANGSOO SON, INDIVIDUALLY;
SOO YEUN MOON, INDIVIDUALLY;
JOHNSON AKINDODUNSE,
INDIVIDUALLY; IRENE WEISS, AS
TRUSTEE OF THE WEISS FAMILY
TRUST; PRAVESH CHOPRA,
INDIVIDUALLY; TERRY POPE,
INDIVIDUALLY; NANCY POPE,
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INDIVIDUALLY; KUK HYUNG
(CONNIE) YOO, INDIVIDUALLY; SANG
(MIKE) YOO, INDIVIDUALLY; BRETT
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MECUA, INDIVIDUALLY; SHEPHERD
MOUNTAIN, LLC; ROBERT BRUNNER,
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INDIVIDUALLY; JEFF RIOPELLE,
INDIVIDUALLY; PATRICIA M. MOLL,

INDIVIDUALLY; AND DANIEL MOLL,
INDIVIDUALLY,

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No. 86092

PARKER, INDIVIDUALLY; MICHAEL
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PATRICIA M. MOLL, INDIVIDUALLY;
AND DANIEL MOLL, INDIVIDUALLY,
Respondents.

*ORDER DENYING MOTIONS FOR RECONSIDERATION AND STAY
AND GRANTING MOTION FOR EXTENSION OF TIME*

Appellants have filed a petition for rehearing of our December 29, 2023, Order Resolving Motions, Dismissing and Consolidating Appeals, and Reinstating Briefing, which was filed in these three appeals and several other related appeals. Because NRAP 40 petitions for rehearing must be directed at dispositional orders of this court, NRAP 40(a)(1), and the December 29 order did not dispose of the appeals in these three dockets, the petition was construed and docketed as a motion for reconsideration with respect to these appeals. Appellants also filed a motion to maintain or reinstate stays pending consideration of this motion for reconsideration and any future petition for en banc reconsideration, and a motion to extend the deadline for filing the opening briefs and appendices in these appeals, citing personal circumstances of counsel. The motion to maintain or reinstate stays is opposed and fully briefed; the motion to extend the deadline is unopposed.

Having reviewed the motion for reconsideration and the briefing related to the motion to maintain or reinstate stays, we conclude that the requested relief is not warranted. Appellants contend that we overlooked or misapprehended binding authority explaining that a

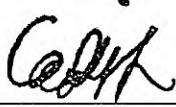
prejudgment receiver is a provisional remedy that necessarily terminates upon entry of the final judgment and thereby created a conflict within Nevada precedent. To the contrary, however, this court considered the authorities cited by appellants and determined that, for purposes of determining jurisdiction, they did not overcome the district court's intentional and express continuation of the receivership post-judgment to dissolve the association, sell the units, conduct accountings, and wind up the receivership estate, which even some of the authorities and jurisdictions relied on by appellants recognize is possible under their states' applicable laws. *E.g., Stier v. Don Mar Operating Co.*, 305 N.Y.S.2d 397, 398 (N.Y. App. Div. 1969) ("Since an order was not obtained to continue the receivership, it was terminated upon final judgment and respondent now lacks standing to maintain an action for rents."). In recognizing that the district court may have had jurisdiction to continue the receivership, we stated that we expressed no opinion on the propriety of the district court's actions, leaving appellants free to challenge the district court's exercise of jurisdiction when appropriate. Appellants indeed have done so, filing a writ petition in Docket No. 88065. As this determination does not directly conflict with any Nevada authority cited by appellants, which merely describes the general nature of a prejudgment receivership, *e.g., Direct Grading & Paving, LLC v. Eighth Jud. Dist. Ct.*, 137 Nev. 320, 324, 491 P.3d 13, 17 (2021) ("A provisional remedy is '[a] temporary remedy awarded before judgment and pending the action's disposition, such as a temporary restraining order, a preliminary injunction, a prejudgment receivership, or an attachment,' that 'is intended to maintain the status quo by protecting a person's safety or preserving property.'" (quoting *Remedy, provisional remedy*, *Black's Law Dictionary* (11th ed. 2019))), and as we are not persuaded by appellants' NRCP 54(b) arguments that this court is deprived

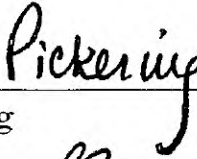
of jurisdiction over these appeals or supplied with jurisdiction over the other appeals, we deny the motion for reconsideration.

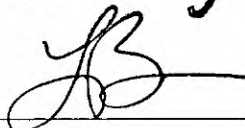
Likewise, we deny the motion to maintain or reinstate stays. This court's temporary stay granted on May 8, 2023, in Docket No. 86092, only, was effective until further order of the court. Further order of the court issued on December 29, denying the stay motion and vacating the temporary stay. Thus, there is no stay to maintain, and in light of this order, no basis to reinstate the stay in these appeals, as the stay requested pertains to January and March 2023 orders over which we lack jurisdiction. This order, which is procedural, is without prejudice to appellants' ability to seek a stay in the writ proceeding or other proceedings over which this court has jurisdiction.

Finally, we grant appellants' unopposed motion to extend the deadline for filing the opening briefs and appendices in these appeals by 60 days. Thus, the opening brief and appendix in Docket No. 85915 and the opening brief and appendix in Docket Nos. 86092/86985 are due by May 27, 2024. Briefing will thereafter proceed in accordance with NRAP 28.1(f)(1).

It is so ORDERED.


_____, C.J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Chief Judge, The Second Judicial District Court
Hon. Elizabeth Gonzalez, Senior Judge
Meruelo Group LLC/Reno
Pisanelli Bice, PLLC
Robertson, Johnson, Miller & Williamson
Lemons, Grundy & Eisenberg
Washoe District Court Clerk