

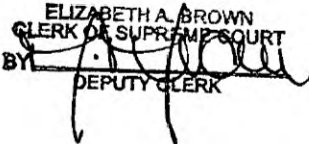
IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNITA SUE NELSON,
INDIVIDUALLY AND IN HER
CAPACITY AS INVESTMENT
TRUSTEE OF THE LYNITA S.
NELSON NEVADA TRUST DATED
MAY 30, 2001,
Appellant/Cross-Respondent,
vs.
MATT KLABACKA AS DISTRIBUTION
TRUSTEE OF THE ERIC L. NELSON
NEVADA TRUST DATED MAY 30, 2001,
Respondent/Cross-Appellant.
and
ERIC L. NELSON,
Respondent.

No. 87234

FILED

FEB 28 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING STAY

This is an appeal and cross-appeal from three post-divorce decree district court orders, entered on remand, awarding attorney fees and granting a motion for the immediate payment of funds to respondent/cross-appellant. Appellant/cross-respondent has filed an emergency motion for stay pending appeal on alternative security, seeking a stay of the district court post-decree proceedings below and/or a stay of execution of the appealed orders. Respondent/cross-appellant has filed an opposition, and appellant/cross-respondent has filed a reply.

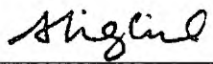
In determining whether to grant a stay pending appeal, this court considers the following factors: (1) whether the object of the appeal will be defeated if the stay is not granted, (2) whether appellant will suffer irreparable or serious injury if the stay is denied, (3) whether respondents will suffer irreparable or serious injury if the stay is granted, and (4) whether appellant is likely to prevail on the merits of the appeal. NRAP

24-07129

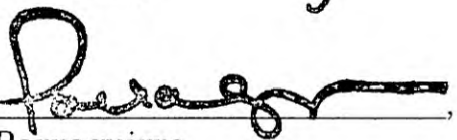
8(c). Moreover, when determining whether a supersedeas bond may be waived or a stay entered upon alternative security, the factors set forth in *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005), *as modified* (Jan. 25, 2006), are considered. Having considered the parties' arguments in light of the above factors, we are not persuaded that a stay on the proposed alternative security is warranted. Accordingly, we deny the motion for stay.

Nothing in this order should be read to prevent appellant/cross-respondent from obtaining a stay of execution of the appealed orders, which state that the amounts therein are reduced to judgment, upon supersedeas bond under NRCP 62(d)(1). Any supersedeas bond should be "in an amount that will permit full satisfaction of the judgment," *id.* at 834, 122 P.3d at 1253, and any dispute as to such bond amount should be directed to the district court in the first instance.

It is so ORDERED.


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Regina M. McConnell, District Judge, Family Division
Michaelson Law
Hauser Family Law
Solomon Dwiggins & Freer, Ltd.
Eighth District Court Clerk