

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY; AND GEORGINA
STUART,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,
Respondents,
and
STEVE EGGLESTON, AN
INDIVIDUAL,
Real Party in Interest.

No. 87906

FILED

MAR 18 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER GRANTING STAY

This emergency petition for a writ of mandamus challenges a district court order denying summary judgment in a civil rights and tort action. Petitioners also filed an emergency motion for stay pending our consideration of this matter, pointing to the upcoming trial. On January 19, 2024, we directed an answer to the petition and temporarily stayed the district court proceedings pending our receipt and consideration of any opposition to the stay motion and further order of this court. Real party in interest timely filed an opposition to the stay motion, and petitioners timely filed a reply.


In determining whether to grant a stay pending consideration of a writ petition, this court considers the following factors: (1) whether the object of the petition will be defeated if the stay is not granted, (2) whether petitioners will suffer irreparable or serious injury if the stay is denied,

(3) whether real party in interest will suffer irreparable or serious injury if the stay is granted, and (4) whether petitioners are likely to prevail on the merits of the appeal. NRAP 8(c). Having reviewed the parties' arguments in light of these factors and given the immunity-from-suit issues presented, we conclude that a stay is warranted.¹ Accordingly, we grant the motion and stay the underlying district court proceedings in Case No. A-16-748919-C pending further order of this court.

It is so ORDERED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. Susan Johnson, District Judge
Olson, Cannon, Gormley, & Stoberski
Clark Hill PLLC
Eighth District Court Clerk

¹We conclude that the district court's refusal to hear petitioners' stay motion before the scheduled trial date rendered further application to that court impracticable under NRAP 8(a)(2). See *TRP Fund VI, LLC v. PHH Mortg. Corp.*, 138 Nev. Adv. Op. 21, 506 P.3d 1056, 1058 (2022) (noting that inability to complete an act may demonstrate impracticability).