

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROCHELLE MEZZANO,
Appellant,
vs.
JOHN TOWNLEY,
Respondent.

No. 87863-COA

FILED

MAR 15 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING STAY AND GRANTING MOTION FOR LEAVE TO
FILE A LATE TRANSCRIPT REQUEST FORM*

This is an appeal from a district court divorce decree. After Rochelle Mezzano filed an emergency motion to stay enforcement of the decree pending appeal, asserting, among other things, that eviction proceedings had been commenced against tenants of a property at 3120 Achilles Drive that she claims was improperly awarded to John Townley in the decree, we entered a temporary stay as to the Achilles Drive property on February 7, 2024, pending our receipt and consideration of any opposition. We noted that Mezzano had also filed a motion for relief in the district court and directed her to provide to this court a copy of any district court order resolving her stay motion below with 24 hours of its issuance. She has not done so, and to date it appears that the district court has not resolved Mezzano's stay motion below.

Townley timely filed a response to the stay motion pending before this court, and Mezzano timely filed a reply.¹ Meanwhile, Mezzano has also filed two motions for extensions of time to file the transcript request form, explaining that the delay was caused by a delay in obtaining


¹Mezzano's opposed motion for leave to file a reply with 5 excess pages is granted, NRAP 27(d)(2); the clerk of this court shall detach from the motion and file Mezzano's proposed reply.

information concerning a "transcript" filed under seal in the district court. The second extension motion is opposed.


While it is not clear that Mezzano was unable to seek emergency relief in the district court before the eviction hearing, in light of her arguments that the district court might not have decided the matter in time, we consider her stay motion. *See* NRAP 8(a)(2)(A). In determining whether to grant a stay pending appeal, this court evaluates the matter under 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 respondent 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 8(c). Having reviewed the parties' arguments, we conclude that these factors do not militate in favor of a stay. Accordingly, the motion for stay is denied, and our February 7 temporary stay is hereby lifted.

Mezzano's motions for extensions of time to file the transcript request form are granted, and thus, the request form was timely filed on March 13, 2024. Townley's request for sanctions is denied.

It is so ORDERED.

_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc: Hon. Bridget E. Robb, District Judge, Family Division
Law Offices of F. Peter James, Esq.
Silverman, Kattelman, Springgate, Chtd.
Washoe District Court Clerk