

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOME WARRANTY ADMINISTRATOR  
OF NEVADA, INC., D/B/A CHOICE  
HOME WARRANTY, A NEVADA  
CORPORATION,

Appellants,

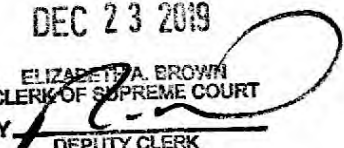
vs.

STATE OF NEVADA DEPARTMENT  
OF BUSINESS AND INDUSTRY,  
DIVISION OF INSURANCE, A  
NEVADA ADMINISTRATIVE AGENCY,  
Respondent.

No. 80218

**FILED**

DEC 23 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER GRANTING TEMPORARY STAY*

This is an appeal from a district court order affirming, as modified, an administrative decision under NRS Chapter 690C concerning appellant's service contract business.

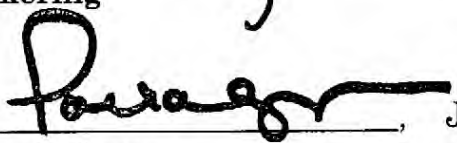
Appellant has filed an emergency motion for stay, seeking an order staying the district court's decision so that it can continue, pending appeal, to operate its business through its administrator in the same manner as before the court's decision. Respondent has filed an opposition. In the opposition, respondent points out that it offered to refrain from seeking to enforce the order before the district court rules on appellant's pending stay motion below, but appellant declined the offer.

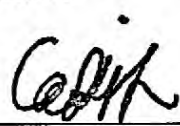
Given respondent's offer and the upcoming holiday calendar, we conclude that a temporary stay is warranted so that the district court has an opportunity to read and rule on appellant's stay motion. The district court is in a better position to evaluate the merits of a request for stay, the relevant factors, and the need for a bond or alternate security, and thus, NRAP 8(a)(1) normally requires parties to seek a stay from the district court

before seeking one from this court. *Nelson v. Heer*, 121 Nev. 832, 836, 122 P.3d 1252, 1254 (2005), *as modified* (Jan. 25, 2006) ("This requirement [to first seek a stay in the district court] is grounded in the district court's vastly greater familiarity with the facts and circumstances of the particular case."); *see also* NRAP 8(a)(2)(A)(ii) (a motion for relief in this court should demonstrate that the district court has denied a stay and the reasons therefor). Accordingly, while expressing no opinion on the propriety of a stay pending appeal, we temporarily stay enforcement of the district court's order pending a decision on the district court stay motion and further order of this court. Appellant shall have 5 days from the date that the district court rules on its stay motion to provide a status report to this court.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. James Todd Russell, District Judge  
Holland & Hart LLP/Las Vegas  
Attorney General/Carson City  
Attorney General/Las Vegas  
Carson City Clerk