

1 **3060**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 SOCIETY FOR THE PREVENTION OF
10 CRUELTY TO ANIMALS of
Northern Nevada,

11 Petitioner,

12 vs.

13 THE CITY OF RENO, a political
14 subdivision of the STATE OF NEVADA,
and JOHN DOES I through X, inclusive,

15 Respondent.

16 and

17 G.P. INDUSTRIES, d/b/a/ RENO IRON
18 WORKS,

19 Real Party Interest.

Case No.: CV22-00897

Dept. No.: 10

20 **ORDER GRANTING MOTION FOR STAY**

21 Pending before the Court is Petitioner SOCIETY FOR THE PREVENTION OF
22 CRUELTY TO ANIMALS OF NORTHERN NEVADA *Ex Parte Motion for an Order*
23 *Shortening Time to Respond to Motion for Stay of City's Land Use Decision and issuance*
24 *of Building Permit Pending Appeal* ("Motion"), filed on March 28, 2023. On March 24,
25 2023, Petitioner filed Motion for Stay of City's Land Use Decision and Issuance of Building
26 Permit Pending Appeal. On April 4, 2023, Real Party Interest G.P. INDUSTRIES, d/b/s/
27 RENO IRON WORKS filed *Opposition to Ex Parte Motion for an Order Shortening Time to*
28 *Respond to Motion for Stay and Opposition to Motion for Stay* ("Opposition"). On April 9,

1 2023 Petitioner filed *Reply to Opposition to Ex Parte Motion for an Order Shortening Time*
2 *to Respond to Motion for Stay Opposition to Motion for Stay* (“Opposition”). On April 11,
3 2023 this Court held a hearing on the Motion.

4 In the Motion, Petitioner requests this Court to issue an Order Shortening time
5 requiring RIW to respond to SPCA-NN’s Motion by 5:00pm on March 30, 2023. In the
6 Opposition, Real Party Interest states that the relief requested is not available under the
7 law because City of Reno’s decision and building permit have already been issued. During
8 the hearing on this matter, Petitioner stated that they believe they have a good chance of
9 prevailing on appeal and rejects courts denial of their initial motion. Petitioner emphasized
10 concerns such as procedural issues and the lack of evidence to establish the irreparable
11 harm to Real Party Interest. Real Party Interest argued against Petitioner’s claims and
12 specifically emphasized that this Court lacks jurisdiction pursuant to NRCP 62(C). NRCP
13 62(C) states:

14 While an appeal is pending from an interlocutory order or final judgment that
15 grants or refuses to grant, or dissolves or refuses to dissolve, an injunction,
16 the court may stay, suspend, modify, restore, or grant an injunction on terms
17 for bond or other terms that secure the opposing party's rights.

18 NRCP 62(C).

19 While Real Party Interest argues that NRCP 62(C) is applicable to the current issue,
20 this Court disagrees. The Petitioner is not attempting to enforce judgement as stated in
21 NRCP 62(C). Moreover, NRAP 8(A)(1) provides this Court with jurisdiction. NRAP 8(A)(1)
22 states:

23 **(1) Initial Motion in the District Court.** A party must ordinarily move first in the
24 district court for the following relief:
25 (A) a stay of the judgment or order of, or proceedings in, a district court pending
26 appeal or resolution of a petition to the Supreme Court or Court of Appeals for an
27 extraordinary writ;
28 (B) approval of a supersedeas bond; or
(C) an order suspending, modifying, restoring or granting an injunction while an
appeal or original writ petition is pending.

NRCP 8(A)(1).


Accordingly, this Court finds that it has jurisdiction on the matter. Although this Court
issued an Order denying Petitioner’s original motion, this Court finds that the Petitioner has

1 demonstrated through its pleadings and arguments during the hearing on April 11, 2023
2 that it has a likelihood in succeeding in its appeal. In order to balance the equities until a
3 final decision has been decided on appeal, this Court is hesitant to allow construction in the
4 interim. Petitioner has demonstrated that it will suffer irreparable harm or serious injury if
5 the stay is denied because the flattened hill, increased noise, dust, and vibrations (from
6 construction and future daily operations) will also harm the health and safety of homeless
7 pets housed at SPCA-NN thereby slowing their adoptions and preventing intakes of
8 additional at-risk homeless pets from other facilities. Reply: 3:6-14. Witness testimony
9 during the hearing also established how these harms are now manifest due to the ongoing
10 construction by Real Party Interest. The Court also notes that it cannot consider arguments
11 during the hearing that involved evidence outside of the record. In order to maintain the
12 status quo while the appeal by the Petitioner is pending, this Court hereby GRANTS the
13 motion.

14 IT IS HEREBY ORDERED THAT THE MOTION IS GRANTED.

15 IT IS SO ORDERED.

16 DATED this 19th day of April, 2023.

17
18 
19 HON. KATHLEEN A. SIGURDSON
20 DISTRICT JUDGE
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

CASE NO.: CV22-00897

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 19th day of April, 2023, I electronically filed the foregoing **ORDER GRANTING MOTION FOR STAY** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- LUKE BUSBY, ESQ. for SPCA OF NORTHERN NEVADA
- WILLIAM PETERSON, ESQ. for G.P. INDUSTRIES DBA RENO IRON WORKS
- JONATHAN SHIPMAN, ESQ. for THE CITY OF RENO
- JASMINE MEHTA, ESQ. for THE CITY OF RENO
- HOLLY PARKER, ESQ. for THE CITY OF RENO

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada: (none)

/s/ Michael Decker
JUDICIAL ASSISTANT