

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN NEVADA HEALTH
DISTRICT,

Appellant,

vs.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD;
AND SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL
1107,

Respondents.

No. 76625

FILED

DEC 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order denying a motion to stay enforcement of respondent Employee Management Relations Board's decision pending resolution of appellant's petition for judicial review. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

Because no appeal lies from an order denying a motion for stay, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. *See, e.g., Brunzell Constr. Co. v. Harrah's Club*, 81 Nev. 414, 404 P.2d 902 (1965) (stating that an order granting or denying a stay of proceedings is not appealable).

Appellant has responded to our order, and contends that the order is appealable under NRS 233B.140(2) on the ground that the statute provides that a motion to stay is equivalent to a motion for a preliminary injunction under NRCP 65. We disagree. As pointed out by respondents in their reply, NRS 233B.140 merely provides that "[i]n determining whether to grant a stay [of an administrative decision pending resolution of a petition for judicial review], the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules

of Civil Procedure.” NRS 233B.140 does not provide that the stay is the equivalent of an injunction and does not provide that an order resolving such a motion for stay is appealable. We lack jurisdiction, and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Rob Bare, District Judge
Ara H. Shirinian, Settlement Judge
Fisher & Phillips LLP
Attorney General/Las Vegas
The Urban Law Firm
Eighth District Court Clerk