

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDUARDO CORDOVA, AN  
INDIVIDUAL,  
Appellant,  
vs.  
BKC VENTURES LLC, A NEVADA  
LIMITED LIABILITY COMPANY;  
PARK HOLDINGS LLC, A NEVADA  
LIMITED LIABILITY COMPANY;  
CHARLES EDWARD MORRIS, AN  
INDIVIDUAL; EDITH CASTILLO, AN  
INDIVIDUAL; JOSE ROBERTO  
CASTILLO, AN INDIVIDUAL;  
MALINDA NIKORA, AN INDIVIDUAL;  
MIKE GABOLDI, AN INDIVIDUAL;  
TRIPLE M HOLDINGS, LLC, A  
FLORIDA LIMITED LIABILITY  
COMPANY; HILL CCM, LLC, A  
CALIFORNIA LIMITED LIABILITY  
COMPANY; GOSWICK CHEVROLET,  
INC., A TEXAS CORPORATION; AND  
ROBERT NIKORA, AN INDIVIDUAL,  
DERIVATIVELY ON BEHALF OF JOX  
BAR, LLC, A NEVADA LIMITED  
LIABILITY COMPANY,  
Respondents.

No. 87241

**FILED**

APR 22 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

Appellant has filed a notice of bankruptcy filing notifying this court that appellant has filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada. A copy of a “Notice of Chapter 7 Bankruptcy Case” is attached to the notice.


The filing of a Chapter 7 petition operates to stay, automatically, the “continuation” of any “judicial . . . action . . . against the


[bankruptcy] debtor.” 11 U.S.C. § 362(a)(1) (2010). An appeal, for purposes of the automatic bankruptcy stay, is considered a continuation of the action in the trial court. *See, e.g., Ingersoll-Rand Fin. Corp. v. Miller Mining Co.*, 817 F.2d 1424 (9th Cir. 1987). Consequently, an appeal is automatically stayed if the debtor was a defendant in the underlying trial court action. *Id.* It appears that appellant was a counterdefendant below. Therefore, this appeal is stayed as to appellant pursuant to the automatic stay provisions of federal bankruptcy law.

Given the applicability of the automatic stay, this appeal may linger indefinitely on this court’s docket pending final resolution of the bankruptcy proceedings. Accordingly, we conclude that judicial efficiency will be best served if the appeal is dismissed without prejudice. Because a dismissal without prejudice will not require this court to reach the merits of this appeal and is not inconsistent with the primary purpose of the bankruptcy stay—to provide protection for debtors and creditors—we further conclude that such dismissal will not violate the bankruptcy stay. *See Indep. Union of Flight Attendants v. Pan American World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) (holding that the automatic stay does not preclude dismissal of an appeal so long as dismissal is “consistent with the purpose of the statute [11 U.S.C. § 362(a)]”); *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 755 (9th Cir. 1995) (holding that a post-bankruptcy petition dismissal will violate the automatic stay “where the decision to dismiss first requires the court to consider other issues presented by or related to the underlying case”). Accordingly, we dismiss this appeal. The dismissal is without prejudice to appellant’s right to move for reinstatement of the appeal within 60 days of either the lifting of the bankruptcy stay or

final resolution of the bankruptcy proceedings, if appellant deems such a motion appropriate at that time.

  
\_\_\_\_\_, J.  
Herndon

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Mark R. Denton, District Judge  
Thomas J. Tanksley, Settlement Judge  
Kemp Jones, LLP  
Naylor & Braster  
Eighth District Court Clerk