

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAN ANTONIO MANAGEMENT, LLC,
A NEVADA LIMITED LIABILITY
COMPANY; TRIPLE L.
MANAGEMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
VTLM TEXAS, LP, A TEXAS LIMITED
PARTNERSHIP; TOM LOZZI, AN
INDIVIDUAL; AND ROBERT LOZZI,
AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

VERANO LAND GROUP, LP, A
NEVADA LIMITED PARTNERSHIP,
Real Party in Interest.

VTLM TEXAS, LP, A TEXAS LIMITED
PARTNERSHIP; TEXAS MANAGER,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; TRIPLE L.
MANAGEMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
ROBERT LOZZI, A NEVADA
RESIDENT; TOM LOZZI, A NEVADA
RESIDENT; AND SAN ANTONIO
MANAGEMENT, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Appellants,

vs.

VERANO LAND GROUP, LP, A
NEVADA LIMITED PARTNERSHIP,
Respondent.

No. 61140

FILED

SEP 20 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelisa*
DEPUTY CLERK

No. 61169 ✓

ORDER DENYING MOTION FOR STAY IN DOCKET NO. 61140,
DISMISSING APPEAL IN DOCKET NO. 61169, AND
DENYING MOTION TO CONSOLIDATE

Docket Number 61140 is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to dismiss based on a forum selection clause. Docket Number 61169 is an appeal from the same order. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

In Docket Number 61140, petitioners have filed a motion seeking a stay of the district court proceedings pending resolution of this writ petition and to consolidate this writ petition with the appeal in Docket Number 61169. Real party in interest has filed an opposition and petitioners have filed a reply. In Docket Number 61169, respondent has moved to dismiss this appeal for lack of jurisdiction, asserting that the designated order is interlocutory, and thus, not appealable and pointing out that appellants have sought writ relief from this court challenging the same order. In their response to the motion to dismiss, appellants agree that this court likely lacks jurisdiction.

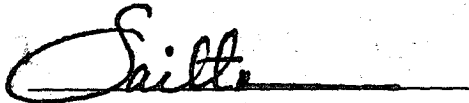
As to the motion for a stay in Docket Number 61140, in determining whether to grant a stay, this court considers the following factors: (1) whether the object of the writ petition will be defeated if the stay is not granted, (2) whether petitioners will suffer irreparable or serious injury if the stay is denied, (3) whether real party in interest will suffer irreparable or serious injury if the stay is granted, and (4) whether petitioner is likely to prevail on the merits in an appeal. NRAP 8(c); see also Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 657 6 P.3d 982, 986 (2000). Having considered the motion, opposition, and reply, we conclude

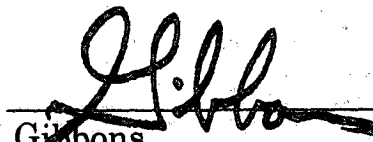
that petitioner has not demonstrated that a stay is warranted, and therefore, deny the motion. See NRAP 8(c).

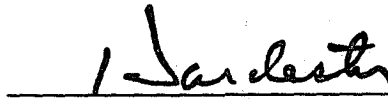
In regard to the motion to dismiss in Docket Number 61169, as the appealed order is not final and does not involve a request for change of venue, we lack jurisdiction, NRAP 3A(b)(1) and (6), and therefore, we grant the motion to dismiss the appeal in Docket Number 61169.

In light of our dismissal of the appeal in Docket Number 61169, we deny the motion to consolidate as moot.

It is so ORDERED.

 _____, J.
Saitta

 _____, J.
Gibbons

 _____, J.
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hutchison & Steffen, LLC
Kemp, Jones & Coulthard, LLP
Sklar Williams LLP
Eighth District Court Clerk