

IN THE SUPREME COURT OF THE STATE OF NEVADA

GOOD SHEPHERD REHABILITATION
INSTITUTE, INC., A CORPORATION;
GLOBAL PROFESSIONAL
HEALTHCARE PROVIDERS, INC.; GS
INTEGRATED HEALTHCARE
SYSTEMS, LLC, A LIMITED
LIABILITY COMPANY; AND RAUL
ABEJUELA, AN INDIVIDUAL,

Appellants,

vs.

BUILDING A, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Respondent.

No. 62919

FILED

FEB 02 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

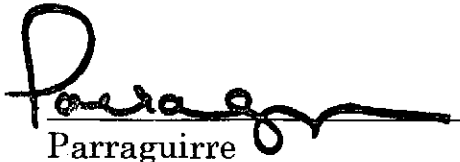
ORDER DISMISSING APPEAL

In response to an order of this court regarding the pending bankruptcy proceedings of appellants Good Shepherd Rehabilitation Institute, Inc., and GS Integrated healthcare Systems, LLC, Counsel for appellant informs this court that this matter is still stayed. *See* 11 U.S.C. § 362(a)(1). *See also Ingersoll-Rand Fin. Corp. v. Miller Mining Co., Inc.*, 817 F.2d 1424 (9th Cir. 1987). Further, appellants “request that this appeal be dismissed, without prejudice, and allow either of the parties the opportunity to file a motion to reinstate the appeal in the future if either the bankruptcy stay is lifted or the bankruptcy proceedings are concluded.” We note that a dismissal *without prejudice* will not require this court to reach the merits of this appeal and is not inconsistent with the primary purposes of the bankruptcy stay, which is to provide protection for debtors and creditor. Thus, such a dismissal will not violate

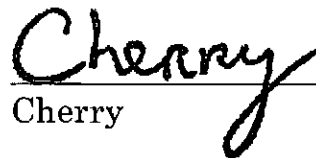
the bankruptcy stay.¹ See *Indep. Union of Flight Attendants v. Pan Am. World Airways, Inc.*, 966 F.2d 457, 459 (9th Cir. 1992) (holding that the automatic stay does not preclude dismissal of an appeal so long as dismissal is “consistent with the purpose of [11 U.S.C. §362(a)]”; *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 755 (9th Cir. 1995) (holding that a post-bankruptcy petition dismissal will violate the automatic stay “where a decision to dismiss requires the court to first consider other issues presented by or related to the underlying case”).

Cause appearing, we grant appellants’ unopposed motion and dismiss this appeal. This dismissal is without prejudice to the parties’ right to move for reinstatement of this appeal upon either the lifting of the bankruptcy stay or final resolution of the bankruptcy proceedings.²

It is so ORDERED.

 J.
Parraguirre

 J.
Douglas

 J.
Cherry

¹The automatic stay provides a debtor “with protection against hungry creditors” and gives it a “breathing spell from its creditors” by stopping all collection efforts. *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 755 (9th Cir. 1995) (internal quotation marks omitted). Further, it “assures creditors that the debtor’s other creditors are not racing to various courthouses to pursue independent remedies to drain the debtor’s assets.” *Id.* at 755-56.

²Any such motion to reinstate this appeal shall be filed within 60 days of the entry of the applicable order of the bankruptcy court.

cc: Hon. Michael Villani, District Judge
Lansford W. Levitt, Settlement Judge
The Law Office of Dan M. Winder, P.C.
Michael R. Pontoni
Eighth District Court Clerk