

IN THE SUPREME COURT OF THE STATE OF NEVADA

GRUPO FAMSA, S.A. DE C.V., A
MEXICAN CORPORATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,

Respondents,

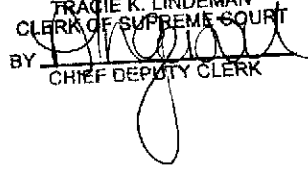
and

B.E. UNO, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Real Party in Interest.

No. 69119

FILED

APR 21 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

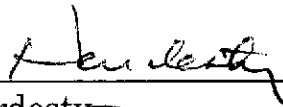
This is an original petition for writ of mandamus challenging a district court order requiring a supersedeas bond.


Grupo Famsa, S.A. de C.V. (Grupo) challenges the district court's order fixing a supersedeas bond in the amount of \$1,000,000 in connection with a temporary stay pending resolution of its writ petition in Docket No. 68626. As the issuance of a bond is not required by rule or statute, but lies within the discretion of the trial court, we review the district court's decision to fix a bond for an abuse of discretion. *See* NRAP 8(a)(2)(E); *see also* *Bowler v. Leonard*, 70 Nev. 370, 386, 269 P.2d 833, 840-41 (1954).


We hold that the district court abused its discretion in fixing the \$1,000,000 supersedeas bond. The bond was premised on a judgment

in an earlier action to which Grupo was not a party. Although it appears Grupo may have contractually guaranteed satisfaction of that judgment, Grupo's liability has not been adjudicated and, in this instance, the supersedeas bond serves as a procedurally improper pre-judgment writ of attachment. See NRS 31.010-31.235. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its order fixing the supersedeas bond.


_____, J.
Hardesty


_____, J.
Saitta


_____, J.
Pickering

cc: Hon. Rob Bare, District Judge
Fennemore Craig Jones Vargas/Las Vegas
Levinson Arshonsky & Kurtz, LLP
Goold Patterson
Eighth Judicial District Court Clerk