

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
EDWARD L. LENK

No. 88503-COA

ROBERT R. PILKINGTON AND  
DENISE L. PILKINGTON,

Appellants,

vs.

HUNTER LIGGETT; JILL RENE  
STYENDA; JANET E. LENK COHEN;  
CARIN LENK SLOANE; KRISTIN  
NOEL LENK PFEIFER; AND GINGER  
L. STUMNE, NYE COUNTY PUBLIC  
ADMINISTRATOR,

Respondents.

**FILED**

APR 07 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ROBERT R. PILKINGTON; AND  
DENISE L. PILKINGTON,

Petitioners,

vs.

THE FIFTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF NYE;  
AND THE HONORABLE KIMBERLY A.  
WANKER, DISTRICT JUDGE,

Respondents,

and

HUNTER LIGGETT; JILL RENE  
STYENDA; JANET E. LENK COHEN;  
CARIN LENK SLOANE; AND KRISTIN  
NOEL LENK PFEIFER,

Real Parties in Interest.

No. 88616-COA

*ORDER OF DISMISSAL*

This is a consolidated appeal from, and original petition for extraordinary relief challenging, a district court order and judgment awarding attorney fees and declaring appellants/petitioners vexatious

litigants. On February 14, 2025, this court issued an order directing the parties to address whether this matter was subject to an automatic stay stemming from appellants'/petitioners' Chapter 11 bankruptcy proceedings. In their pro se response, appellants'/petitioners "agree to . . . move the Bankruptcy Court for a leave from the Automatic Stay." Respondents/real parties in interest did not respond to this court's order.

Given that appellants'/petitioners concede that the automatic stay applies to this matter, it may linger indefinitely on this court's docket pending final resolution of the bankruptcy proceedings. Accordingly, judicial efficiency will best be served if the matter is dismissed without prejudice. Because such a dismissal does not require this court to reach the merits of the matter and is not inconsistent with the primary purposes of the bankruptcy stay, we conclude that the dismissal will not violate the bankruptcy stay.<sup>1</sup> See *Indep. Union of Flight Attendants v. Pan Am. World Airways, Inc.*, 966 F.2d 457, 458-59 (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)]"); cf. *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").


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<sup>1</sup>The 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.

We therefore dismiss this matter without prejudice to appellants'/petitioners' right to move for reinstatement of the matter upon either the lifting of the bankruptcy stay or final resolution of the bankruptcy proceedings, if appellants/petitioners deem such a motion appropriate at the time.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kimberly A. Wanker, District Judge  
Denise L. Pilkington  
Robert R. Pilkington  
Anthony L. Barney, Ltd.  
Roland Law Firm  
Nye County Clerk