



IN THE SUPREME COURT OF THE STATE OF NEVADA

CLAUDIU BARBONI,
Appellant,
vs.
DALIBOR RADONJIC AND JENNIFER
RADONJIC,
Respondents.

No. 92134

ORDER DISMISSING APPEAL

This is an appeal from a district court summary judgment, postjudgment order granting attorney fees and costs, and postjudgment order denying a motion to alter or amend under NRAP 59(e). Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Appellant filed a report on the status of his bankruptcy proceeding pursuant to this court's previous order directing him to inform this court whether the automatic stay is applicable to this appeal. Appellant indicates that he was a counter-defendant below and the automatic bankruptcy stay applies to this appeal. Thus, Appellant requests this court to administratively suspend this appeal or, alternatively, dismiss this appeal without prejudice.

Given the applicability of the automatic stay, this appeal may linger indefinitely on this court's docket pending final resolution of the bankruptcy proceedings. Due to the overlapping nature of the parties' claims and counterclaims, as well as this court's policy of avoiding piecemeal review, *see, e.g., Barbara Ann Hollier Tr. v. Shack*, 131 Nev. 582, 590, 356 P.3d 1085, 1090 (2015), this court concludes that judicial efficiency will be best served if this appeal is dismissed, in its entirety, 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 purposes of the bankruptcy stay—to

provide protection for debtors and creditors—we further conclude that such 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”).

Accordingly, we dismiss this appeal. This dismissal is without prejudice to appellant’s right to move for reinstatement of this 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.

It is so ORDERED.



Stiglich, J.



Cadish, J.



Lee, J.

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.

cc: Hon. Joseph Hardy, Jr., District Judge
Howard John Russell, Settlement Judge
Avalon Legal Group LLC
Naylor & Braster
Eighth Judicial District Court Clerk