

DV04-01626 DC-990000003-054
IN RE: ANDREW EARL & ELOISA R. FURER
District Court Washoe County
04/22/2008 08:45 AM
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HOWARD W. CONYERS, CLERK
By: [Signature] DEPUTY CLERK

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5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

9 ANDREW FURER,

Case No. DV04-01626

10 Plaintiff,

Dept. No. 11

11 vs.

12 ELOISA FURER,

13 Defendant.

14 ORDER GRANTING MOTION FOR PARTIAL STAY OF ENFORCEMENT OF
15 JUDGMENT PENDING APPEAL

16 The Court has reviewed Andrew Furer's (hereafter "Plaintiff") Motion for Partial
17 Stay of Enforcement of Judgment Pending Appeal filed March 25, 2008. To date no
18 Opposition has been received by this Court. The matter was submitted for decision on
19 April 16, 2008. The Court now finds as follows:

20 Plaintiff brings the current Motion requesting an Order partially staying
21 enforcement of the Findings of Fact, Conclusions of Law, and Decree of Divorce (hereafter
22 "Judgment") to the extent that Plaintiff is required to transfer shares of Washington
23 Mutual stock to Defendant within 30 days of the Judgment. Plaintiff requests this portion
24 of the Judgment be stayed pending Plaintiff's anticipated appeal. Plaintiff further requests
25 that the Court waive any bond requirement or security, other than the stock in question.

26 Within its Judgment, this Court ordered Plaintiff to make payments and offsets to
27 Eloisa Furer (hereafter "Defendant"). These payments and offsets were to be paid out of
28 dividends and interests arising out of the 570,000 shares of Washington Mutual stock

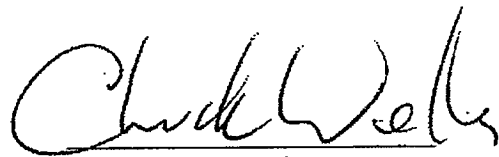
1 awarded to Defendant under the parties' Marital Settlement Agreement (hereafter
2 "MSA"). Under the Pre-Marital Agreement (hereafter "PSA"), Defendant is entitled to
3 325,000 shares of Washington Mutual stock. In the event that Plaintiff prevails on appeal,
4 Defendant will have no rights or interest to the difference between the MSA and the PSA,
5 245,000 shares. Plaintiff requests that he be permitted to place the 245,000 shares that will
6 be the subject of his appeal in a secure account pending his appeal.

7 Pursuant to DCR 13(3),

8 Within 10 days after the service of the motion, the opposing party shall serve
9 and file his written opposition thereto, together with a memorandum of points and
10 authorities and supporting affidavits, if any, stating facts showing why the motion
11 should be denied. Failure of the opposing party to serve and file his written
12 opposition may be construed as an admission that the motion is meritorious and a
13 consent to granting the same.

14 This Court construes Defendant's failure to serve and file a written opposition to
15 Plaintiff's Motion as an admission that Plaintiff's Motion is meritorious. As such,
16 Plaintiff's Motion is GRANTED. Plaintiff's obligation to transfer 245,000 of Washington
17 Mutual stock to Defendant is hereby stayed pending Plaintiff's appeal. Further, Plaintiff
18 will not be required to post any bond or other security as a condition of the stay.

19 Dated: April 22, 2008.

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22 District Court Judge
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of JUDGE CHUCK WELLER, and that I deposited for mailing at Reno, Nevada, a true copy of the attached document, addressed to:


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Dated this 23 Day of April, 2008.


ADMINISTRATIVE ASSISTANT