

Russell Greer  
3930 University Center  
Apt 103  
Las Vegas, NV 89119  
801-895-3501  
[russmark@gmail.com](mailto:russmark@gmail.com)  
Appellant, Pro Se

Electronically Filed  
Mar 26 2026 10:28 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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**MICHAEL SCHAEFER,**

Landlord

v.

**RUSSELL GREER,**

Tenant

**Supreme Court No. 92350**

**District Court No. A-24-941323-A**

**EMERGENCY MOTION FOR WRIT OF  
RESTITUTION AND STAY OF  
EXECUTION (NRAP 27(e))**

**ACTION NECESSARY  
IMMEDIATELY. LOCKOUT EXECUTED:  
MARCH 26, 2026, AT 9:00 AM**

## NRAP 27(e) CERTIFICATE

I, **Russell Greer**, Appellant appearing *pro se*, hereby certify the following:

1. **Contact Information:**

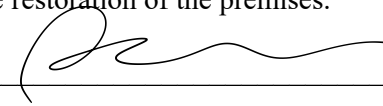
- o **Appellant:** 801-895-3501, 3930 University Center Dr, Apt 103, Las Vegas, NV 89119
- o **Respondent, Michael Schaefer:** 702-443-5311, 3930 University Center Dr, Apt 103, Las Vegas, NV 89119

2. **Nature of Emergency:** This is an extreme emergency. At **9:00 AM on March 26, 2026**,

while Appellant was in the process of initiating this appeal, Constables forcibly removed him from his residence. Appellant was **not** served with the mandatory 24-hour notice prior to this lockout. He is currently homeless, residing in his vehicle, and his property is unsecured.

3. **Notification:** I have made every practicable effort to notify the Respondent of this filing by email on March 26, 2026. I have also telephoned the Clerk of the Supreme Court on March 26, 2026, to advise of this emergency filing.

4. **Earliest Possible Time:** This motion is filed at the earliest possible time following the District Court's order on March 23, 2026. Appellant did not receive that Order until the day of the hearing on March 24, 2024. Appellant immediately filed a Notice of Appeal on March 24th and requested a Stay of Execution, which the District Court declined. Appellant spent the following 48 hours researching appellate procedure to properly draft this emergency filing. While Appellant was in the middle of initiating this appeal on the morning of March 26, 2026, the lockout was executed at 9:00 AM. This motion is being submitted within two hours of that forced removal to seek immediate restoration of the premises.

5. Signed:  \_\_\_\_\_

Date: March 26, 2026

# EMERGENCY MOTION FOR WRIT OF RESTITUTION MOTION FOR STAY

## I. INTRODUCTION

Appellant respectfully moves this Court for an **Emergency Writ of Restitution** to restore him to possession of his residence and a **Stay of Execution** pending the resolution of this appeal. The District Court committed a reversible error by denying a stay despite Appellant's compliance with **NRS 40.385** and the clear application of *Rodriguez v. Dist. Ct.*, 120 Nev. 798 (2004).

## II. STATEMENT OF FACTS

On March 24, 2026, the District Court affirmed an eviction and denied Appellant's request for a stay. Crucially, the District Court **returned** Appellant's \$250 statutory bond to him, effectively making a stay impossible despite Appellant's good-faith attempt to comply with the law.

**At 9:00 AM on March 26, 2026**, Constables arrived at Appellant's home and executed a lockout. **No 24-hour notice was ever posted or received.**

Furthermore, the Landlord, Michael Schaefer, has made false representations regarding Appellant's employment status; Appellant is employed in the gig-share economy, while he is litigating an unemployment case against his former employer in the 8<sup>th</sup> Judicial District Court (*Greer v. Viatron*) and was prepared to pay weekly rent into the court.

## III. LEGAL ARGUMENT

### A. The District Court Violated the Holding in *Rodriguez*.

Under *Rodriguez v. Second Judicial District Court*, No. 81219-COA (Nev. App. 2020), once a tenant raises a "viable defense," the court has a duty to act by dismissing the summary eviction affidavit. Here, Appellant raised defenses regarding the landlord's breach of the implied covenant of quiet enjoyment, illegal entries (NRS 118A.330), unconscionability, demanding an offset and many other defenses that did not require escrow. By affirming the summary eviction,

rather than dismissing the summary proceeding to allow for a formal trial, the District Court exceeded its jurisdiction and violated the *Rodriguez* mandate.

### **III. LEGAL ARGUMENT**

#### **A. The District Court Violated the Holding in *Rodriguez*.**

Under *Rodriguez v. Second Judicial District Court*, No. 81219-COA (Nev. App. 2020), once a tenant raises a "viable defense," the court has a duty to act by dismissing the summary eviction affidavit. Here, Appellant raised defenses regarding the landlord's breach of the implied covenant of quiet enjoyment, illegal entries (NRS 118A.330), unconscionability, demanding an offset and many other defenses that did not require escrow. By affirming the summary eviction, rather than dismissing the summary proceeding to allow for a formal trial, the District Court exceeded its jurisdiction and violated the *Rodriguez* mandate.

#### **B. Appellant was Functionally Denied His Statutory Right to a Stay Under NRS 40.385.**

NRS 40.385(2) provides that a stay of execution *shall* be obtained upon the filing of a \$250 bond. Appellant attempted to comply with this statute in good faith. However, the District Court's refusal to honor this bond—and its affirmative order to return the funds to Appellant—stripped him of his statutory right to a stay. This procedural error created the very "emergency" the Court now faces: an eviction executed while an appellant was actively attempting to secure the mandatory statutory stay.

#### **C. The March 26th Lockout Violated Due Process and Nevada Procedural Requirements.**

At 9:00 AM on March 26, 2026, Appellant was forcibly removed from the premises by Constables. Crucially, Appellant was **never served** with the mandatory 24-hour notice required by Nevada law prior to the execution of a lockout. This failure to provide notice, combined with the fact that the lockout was executed while Appellant was in the process of initiating this emergency appeal, constitutes a gross violation of due process.

#### **D. Immediate Restitution is Necessary to Prevent Irreparable Harm.**

Appellant has already suffered the irreparable harm he sought to avoid: he is now homeless, residing in his vehicle, and separated from his personal property. The Landlord, Michael Schaefer, further prejudiced the lower court by making false representations regarding Appellant's employment. Appellant is currently employed in the gig-share economy and can continue paying rent as it becomes due under NRS 40.385(3). Only an Emergency Writ of Restitution restoring Appellant to the premises can correct the manifest injustice caused by the lower court's errors and the Constable's lack of notice.

#### **IV. TIMELINESS AND EARLIEST POSSIBLE FILING**

This motion is filed at the earliest possible time following the District Court's order on March 23, 2026. Appellant did not receive that Order until the day of the hearing on March 24, 2024. Appellant immediately filed a Notice of Appeal on March 24th and requested a Stay of Execution, which the District Court declined.

Appellant spent the following 48 hours researching appellate procedure to properly draft this emergency filing. While Appellant was in the middle of initiating this appeal on the morning of March 26, 2026, the lockout was executed at 9:00 AM.

The Las Vegas Constables never put a 24 hour lock out notice on his door. Greer has a VALID LEASE to the room at Apt 103.

Greer did not pay rent because Mr. Schaefer violated the law and that was Greer's "viable defense" to not paying rent.

This motion is being submitted within two hours of that forced removal to seek immediate restoration of the premises.

#### **IV. CONCLUSION**

For the reasons stated above, Appellant respectfully requests that this Court issue an emergency stay of execution to prevent the lockout scheduled for Monday, March 30th, 2026.

Truthfully submitted.

Russell Greer

/rgreer/

3-26-26

A handwritten signature in black ink, appearing to be 'R Greer', written in a cursive style.

**CERTIFICATE OF SERVICE**

I swear under penalty of perjury that a copy of the Emergency Motion was delivered to Landlord via email on 3-26-26

## **EXHIBIT A**

A-26-941323-A

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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Appeal from Lower Court - COURT MINUTES March 24, 2026  
Evictions/TPO

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A-26-941323-A Russell Greer, Appellant  
vs.  
Michael Schaefer, Respondent

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**March 24, 2026 Minute Order**

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**HEARD BY:** Schwartz, Jennifer **COURTROOM:** RJC Courtroom 03E

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**COURT CLERK:** Louisa Garcia

**JOURNAL ENTRIES**

- Appellant Russell Greer filed his Motion for a Stay of execution March 24, 2026. The Court having Affirmed the lower court's ruling and the Court finding no basis to grant the requested stay, the Motion is hereby DENIED. Appellant's \$250 bond was ordered returned to Mr. Greer in the March 23, 2026 Order.

CLERK S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve, as well as emailed to Mr. Greer, russmark@gmail.com. /lg 3.24.26

PRINT DATE: 03/24/2026 Page 1 of 1 Minutes Date: March 24, 2026