



McAlary v. Cash Cloud Inc. et al

2024 | Cited 0 times | D. Nevada | April 15, 2024

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16 17 18 19 20 21 22 23 24 25 26 27 28 CARLYON CICA CHTD.

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA CHRIS MCALARY

Appellant(s) vs. CASH CLOUD INC; & OFFICIAL COMMITTEE OF UNSECURED CREDITORS

Appellee(s)

Case No.: 2:23-cv-01424-GMN Appeals Reference No.: 23 19 (Consolidated With) Case No.:
2:23-cv-01427-GMN Appeals Reference No.: 23 20 BK Case No.: 23-10423-mkn Chapter: 11

CHRIS MCALARY

Appellant(s) vs. CASH CLOUD INC; & OFFICIAL COMMITTEE OF UNSECURED CREDITORS

Appellee(s)

STIPULATED ORDER CONTINUING STAY OF APPEAL

Upon the joint request of Appellant, Chris McAlary (“McAlary” or “Appellant”), by and through his counsel, the law firm of Carlyon Cica, Chtd.; and Appellees, Cash Cloud Inc. (“Debtor”) and the Official Committee of Unsecured Creditors of Cash Cloud, Inc. dba Coin Cloud (the “Committee” and, collectively with McAlary a nd Debtor, the “Parties”), by and through their CARLYON CICA CHTD. CANDACE C. CARLYON, ESQ. Nevada Bar No. 2666 DAWN M. CICA, ESQ. Nevada Bar No. 4565 TALI J. FREY, ESQ. Nevada Bar No. 16537 265 E. Warm Springs Road, Suite 107 Las Vegas, NV 89119 Phone: (702) 685-4444 Email: ccarlyon@carlyoncica.com dcica@carlyoncica.com tfrey@carlyoncica.com Counsel for Christopher McAlary 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
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2 respective undersigned counsel;

WHEREAS, on August 24, 2023, the Bankruptcy Court entered its Order on Objection to Debtor's First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023 1

(the "Memorandum Decision") [ECF No. 1120];

WHEREAS, on August 24, 2023, the Bankruptcy Court entered its Order: (A) Approving Debtor's Disclosure Statement [ECF No. 529] on a Final Basis; and (B) Confirming Debtor's First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023 [ECF No. 996] (the "Confirmation Order") [ECF No. 1126];

WHEREAS, on September 6, 2023, McAlary filed his Notice of Appeal of the Memorandum Decision [ECF No. 1171];

WHEREAS, on September 6, 2023, McAlary filed his Notice of Appeal of the Confirmation Order [ECF No. 1172];

WHEREAS, on September 11, 2023, the Notice of Appeal of the Memorandum Decision was docketed with United States District Court Case No. 23-01427-GMN;

WHEREAS, on September 12, 2023, the Notice of Appeal of the Confirmation Order was docketed with United States District Court ("USDC") regarding Case No. 23-01424-GMN;

WHEREAS, this Court consolidated Appeal No 23-19/USDC Case No. 2:23-cv-01424- GMN with Appeal No. 23-20/USDC Case No. 2:23-cv-01427-GMN (the "Confirmation Appeal");

WHEREAS, McAlary filed his Opening Brief on November 6, 2023 [ECF Nos. 12-22 in Confirmation Appeal];

WHEREAS, Debtor filed its Answering Brief on November 20, 2023 [ECF Nos. 27, 28 in Confirmation Appeal], and the Committee filed its Joinder to the Answering Brief on November 20, 2023 [ECF No. 29 in Confirmation Appeal];

WHEREAS, McAlary's Reply Brief was due on or before December 4, 2023; WHEREAS, on November 28, 2023, the Parties stipulated in the underlying bankruptcy case (Case No. BK-S-23-10423-MKN) to attend a settlement conference and to request that this Court 1 All references to "ECF No." are to the numbers assigned to the documents filed in the bankruptcy case as they appear on the docket maintained by the clerk of the court. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28



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3 stay the consolidated appeal of the Memorandum Decision and Confirmation Order until further notice (the “Stipulation”) [ECF Nos. 1512, 1515];

WHEREAS, the United States Bankruptcy Court, District of Nevada (the “NVBC”) granted the Parties’ Stipulation;

WHEREAS, on November 29, 2023, the Parties stipulated in the Confirmation Appeal (Case No. 2:23-cv-01424-GMN) to stay the Confirmation Appeal “pending further order of this Court, and that all deadlines be vacated” (the “Stipulation to Stay”) [ECF No. 30 in the Confirmation Appeal]. Additionally, the Parties stipulated “that the Parties shall file a status report with this Court within thirty (30) days following the conclusion of their settlement conference.” Id.;

WHEREAS, on November 30, 2023, the Court ordered Appeal No 23-19/USDC Case No. 2:23-cv-01424-GMN STAYED pending further order of the Court, and that all pending deadlines be vacated [ECF No. 31 in the Confirmation Appeal];

WHEREAS, on March 11, 2024, the Parties filed their joint status report and requested the Court “continue to stay the appeals through April 30, 2024, with an additional status report to be filed by April 15, 2024” [ECF No. 10 in the Conversion Appeal]; and

WHEREAS, the Parties are continuing to engage in settlement negotiations. NOW, THEREFORE, IT IS HEREBY ORDERED that the stay will continue in effect pending further order of the Court;

IT IS FURTHER HEREBY ORDERED that, on stipulation of the Parties, or on motion of any Party, the Court may order that the briefing schedule be reinstated.

IT IS FURTHER HEREBY ORDERED that the Parties will file joint status reports on the 15 th

of each month until the stay is lifted. CARLYON CICA CHTD. By: /s/ Tali J. Frey, Esq. _____
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