

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEANN MCCLANDON,
Appellant,
vs.
DAKEM & ASSOCIATES, LLC, A
LIMITED LIABILITY COMPANY,
Respondent.

No. 46510

FILED

JUL 18 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Alvarado*
DEPUTY CLERK

This is an appeal from a final judgment following a bench trial in a contract action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

In reviewing the district court's judgment, we give deference to the court's factual findings so long as they are not clearly wrong and are supported by substantial evidence,¹ which has been defined as evidence that "a reasonable mind might accept as adequate to support a conclusion."² Moreover, witness credibility determinations are within the district court's fact-finding purview, and we thus will not substitute our or appellant's view of witness testimony for that of the district court.³ Having reviewed the parties' briefs and appendices, including the trial


¹See NOLM, LLC v. County of Clark, 120 Nev. 736, 739, 100 P.3d 658, 660-61 (2004); Gibellini v. Klindt, 110 Nev. 1201, 885 P.2d 540 (1994).

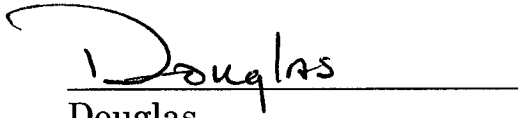
²First Interstate Bank v. Jafbros Auto Body, 106 Nev. 54, 56, 787 P.2d 765, 767 (1990) (internal quotation marks omitted).

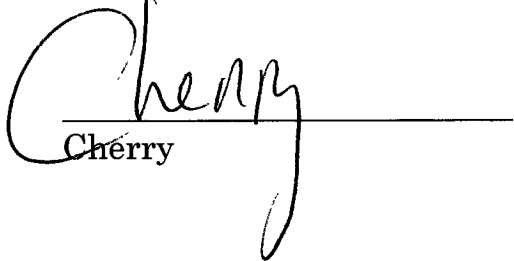
³Fox v. First Western Sav. & Loan, 86 Nev. 469, 470 P.2d 424 (1970).

transcript,⁴ in light of those principles, we conclude that substantial evidence supports the district court's judgment.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Kenneth C. Cory, District Judge
Thomas J. Tanksley, Settlement Judge
Nersesian & Sankiewicz
Law Office of Daniel Marks
Eighth District Court Clerk

⁴The record reflects that, contrary to appellant's arguments in her briefs, the district court did not refuse to hear her witnesses; her witnesses simply did not appear to testify at the trial.

⁵We conclude that appellant's remaining arguments lack merit.