

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHERYL A. MCKENRICK,
Appellant,
vs.
DENNIS G. CLISHE,
Respondent.

No. 49729

FILED

JUL 23 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

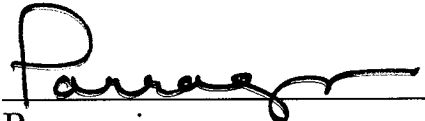
This is an appeal from a district court judgment following a bench trial. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

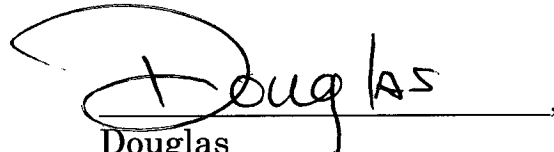
The district court found that appellant had converted certain funds, held by the parties in a joint account, by gambling those funds without respondent's consent and respondent had disapproved of appellant's prior gambling with the parties' joint funds. Appellant contends that respondent cannot recover for conversion because appellant was a signatory on the joint account and thus was a co-owner of the funds. Appellant also contends that the district court abused its discretion by extending the discovery deadline and considering certain evidence produced less than one month after the original deadline and over two months before trial.

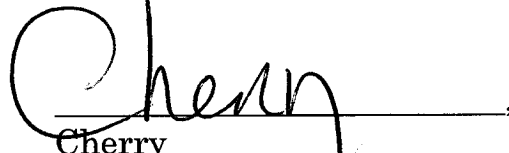
We conclude that the district court did not abuse its discretion in extending the discovery deadline and admitting the evidence thereby

obtained.¹ We further conclude that the district court did not err in determining that a cause of action for conversion was available to respondent,² and its decision is supported by substantial evidence in the record.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

¹Diversified Capital v. City N. Las Vegas, 95 Nev. 15, 23, 590 P.2d 146, 151 (1979) (noting that the conduct of discovery is within the district court's discretion).

²See Leggett v. Rose, 776 F. Supp. 229 (E.D.N.C. 1991); Weaver v. American Nat. Bank, 452 So. 2d 469 (Ala. 1984); Remington v. Landolt, 541 P.2d 472 (Or. 1975); see also Schwartz v. Stock, 26 Nev. 155, 65 P. 357 (1901) (stating that an action of trover by one cotenant against the other will lie when the other has lost, destroyed, or so converted the property to his own use as to render any further enjoyment by his cotenant impossible).

³Goodrich & Pennington v. J.R. Woolard, 120 Nev. 777, 782, 101 P.3d 792, 795 (2004) (stating that the district court's factual determinations will be upheld on appeal if supported by substantial evidence).

⁴Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

cc: Hon. Susan Johnson, District Judge
Janet Trost, Settlement Judge
J. E. Ring Smith
Frances-Ann Fine
Eighth District Court Clerk