

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGEWOOD PROPERTIES, A CALIFORNIA  
PARTNERSHIP; WATERFORD RD, LLC, A  
NEVADA LIMITED LIABILITY COMPANY;  
AND NORTHGATE VILLAS RD, LLC, A  
NEVADA LIMITED LIABILITY COMPANY,  
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, IN AND FOR THE  
COUNTY OF WASHOE; THE HONORABLE  
PATRICK FLANAGAN, DISTRICT JUDGE; AND  
ELLI M.A. MILLS, RECEIVER,

Respondents,

and

BACM 2005-6 NICHOLS BOULEVARD, LLC, A  
NEVADA LIMITED LIABILITY COMPANY;  
AND BACM 2005-6 CARVILLE DRIVE, LLC, A  
NEVADA LIMITED LIABILITY COMPANY,  
Real Parties in Interest.

No. 54414

**FILED**

APR 08 2010

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

ORDER DENYING PETITION  
FOR WRITS OF MANDAMUS AND PROHIBITION

This original petition for writs of mandamus and prohibition seeks the preservation and return of funds paid to a receiver.

Having considered the petition, answers, and supporting documents thereto, we conclude that our extraordinary intervention is not warranted at this time. See NRS 34.160; NRS 34.320; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). In particular, petitioners have not sufficiently demonstrated that the district court lacked authority to order petitioners to place the funds at issue with the receiver. Pan, 120 Nev. at 228, 88 P.3d at 844 (noting that petitioners bear the burden of demonstrating that writ relief is warranted). Further, the receiver has

indicated that the subject properties have been foreclosed upon, and thus, petitioners will soon have an opportunity to seek the district court's determination of who is entitled to the funds, which determination they may then challenge before this court, as appropriate. NRS 34.170; NRS 34.330. Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Patrick Flanagan, District Judge  
Robison Belaustegui Sharp & Low  
Duane Morris LLP  
Jones Vargas/Reno  
Washoe District Court Clerk