

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY R. REIMER, AN
INDIVIDUAL,
Appellant,
vs.
SCM CORPORATION OF NEVADA,
INC., A NEVADA CORPORATION; AND
SCM SALIDA-GATEWAY, LLC,
Respondents.

No. 54461

FILED

SEP 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment in a dissolution action denying appellant's request to appoint a receiver after a bench trial. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

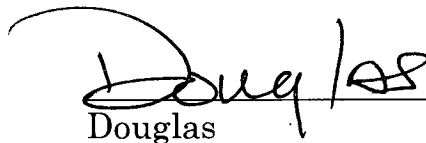
Appellant argues on appeal that the district court abused its discretion by refusing to appoint a receiver to oversee the dissolution and winding-up of respondent SCM Salida-Gateway, LLC (SCM). Appellant asserts that the parties are unable to dissolve and wind-up SCM without judicial assistance and that the parties stipulated to the appointment of a receiver prior to trial. Respondents argue that the district court rejected appellant's basis for the appointment of a receiver when it held that appellant failed to prove his claims for breach of contract, breach of fiduciary duty, and breach of the covenant of good faith and fair dealing. Respondents also argue that the parties did not agree to the appointment of a receiver, but rather to the appointment of a real estate agent to sell SCM's only asset.

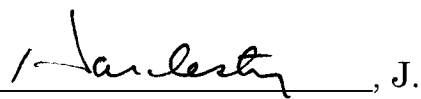
“The appointment of a receiver is an action within the trial court's sound discretion and will not be disturbed absent a clear abuse.”

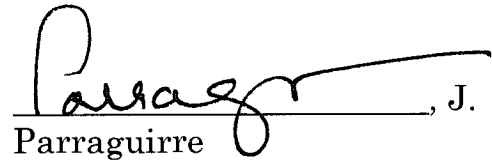
Medical Device Alliance, Inc. v. Ahr, 116 Nev. 851, 862, 8 P.3d 135, 142 (2000) (quoting Nishon's Inc. v. Kendigian, 91 Nev. 504, 505, 538 P.2d 580, 581 (1975)); see also Peri-Gil Corp. v. Sutton, 84 Nev. 406, 411, 442 P.2d 35, 37 (1968); Bowler v. Leonard, 70 Nev. 370, 383, 269 P.2d 833, 839 (1954). The appointment of a receiver "is a harsh and extreme remedy which should be used sparingly and only when the securing of ultimate justice requires it." Hines v. Plante, 99 Nev. 259, 261, 661 P.2d 880, 881-82 (1983). "[I]f the desired outcome may be achieved by some method other than appointing a receiver, then this course should be followed." Id. at 261, 661 P.2d at 882.

We have reviewed the record and the parties' briefs, and we conclude that the district court did not abuse its discretion by not appointing a receiver. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 , J.
Douglas

 , J.
Hardesty

 , J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Janet L. Chubb, Settlement Judge
Gunderson Law Firm
Holland & Hart LLP/Reno
Washoe District Court Clerk