

IN THE SUPREME COURT OF THE STATE OF NEVADA

BAC HOME LOANS SERVICING, LP,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND, THE HONORABLE  
DONALD M. MOSLEY, DISTRICT  
JUDGE,

Respondents,

and

GUDJON JONSSON AND ANA  
JONSSON; STEVEN GEHRING AND  
PAULA GEHRING; JEREMIAS  
BERDOS AND ERLINDA BERDOS;  
MIRNA CHAVEZ AND RIGOBERTO  
SANCHEZ; DELBERT DIETER AND  
ROSALIE DIETER; ELMA VASQUEZ;  
ALBERTO VILLALOBOS; AND  
SANTOS SOSA,  
Real Parties in Interest.

No. 55196

**FILED**

**MAY 17 2010**

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

ORDER DENYING PETITION  
FOR WRITS OF PROHIBITION, MANDAMUS, AND CERTIORARI

This original petition for writs of prohibition, mandamus, and certiorari challenges the district court's decision that petitions for judicial review for a determination of bad faith participation and sanctions in the foreclosure mediation program are not subject to NRCP 4's service of process requirements.


Having considered the parties' papers and supporting documents, we conclude that the district court did not err when it


determined that service by certified mail of the petitions for judicial review under Foreclosure Mediation Rule 5(7)(f) was sufficient, and that personal service as set forth in NRCP 4 was not required, as petitioner suggests. See International Game Tech. v. Dist. Ct., 124 Nev. 193, 198, 179 P.3d 556, 559 (2008) (noting that questions of law are reviewed de novo, even in the context of a writ petition). The rules governing service of a summons and a complaint are intended to provide a defendant with notice of an action against it and to require its presence in court to defend the action. See Orme v. District Court, 105 Nev. 712, 715, 782 P.2d 1325, 1327 (1989) (“The primary purpose underlying the rules regulating service of process is to insure that individuals are provided actual notice of suit and a reasonable opportunity to defend.”); Berry v. Equitable M. Co., 29 Nev. 451, 456, 91 P. 537, 538 (1907) (“The object and purpose of the summons is to bring defendant into court.”). Petitions for judicial review for a determination of bad faith participation in the foreclosure mediation program, however, involve ongoing proceedings and only parties to those proceedings may be named as respondents. Cf. NRS 233B.130(2)(a) (stating that a petition for judicial review of a final decision in an administrative proceeding must “[n]ame as respondents the agency and all parties of record to the administrative proceeding”).

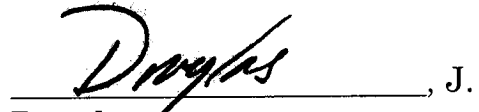
Thus, the parties to a petition for judicial review in a foreclosure mediation are already aware of the matter, and NRCP 4’s service of process requirements do not apply. Instead, the rule of civil procedure relevant to foreclosure mediation program judicial review proceedings is NRCP 5(b)(2)(B), which governs service of “pleadings and other papers” and allows for service by mail. As real parties in interest served their petitions for judicial review by mail, the district court neither

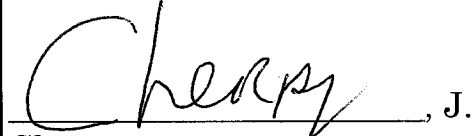
exceeded its jurisdiction nor manifestly abused its discretion in proceeding with respect to the petitions. See NRS 34.020(2); NRS 34.160; NRS 34.320; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

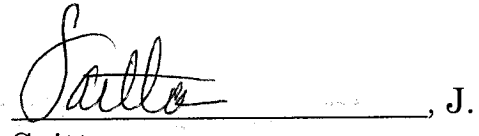
Accordingly, we  
ORDER the petition DENIED.


 C.J.  
Parraguirre

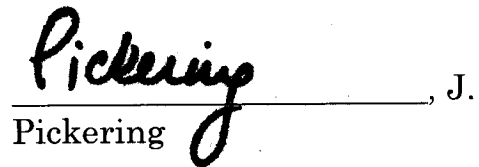
 J.  
Hardesty

 J.  
Douglas

 J.  
Cherry

 J.  
Saitta

 J.  
Gibbons

 J.  
Pickering

cc: Hon. Donald M. Mosley, District Judge  
Akerman Senterfitt  
Attorney General/Las Vegas  
Crosby & Associates  
Delbert Dieter  
Rosalie Dieter  
Driggs Law Group  
Santos Sosa  
Elma Vasquez  
Alberto Villalobos  
Eighth District Court Clerk