

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLAN L. HASH,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
BRENT T. ADAMS, DISTRICT JUDGE,
Respondents,

and

ARLINGTON TOWERS
HOMEOWNERS ASSOCIATION,
Real Party in Interest.

No. 58073

FILED

MAY 11 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Moore*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is an original proper person petition for a writ of mandamus challenging district court orders imposing sanctions against petitioner and denying a motion for reconsideration of the sanction order.

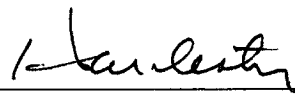
A writ of mandamus may appropriately issue to remedy the district court's improper imposition of sanctions, see Marshall v. District Court, 108 Nev. 459, 466, 836 P.2d 47, 52 (1992), because that writ is available to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

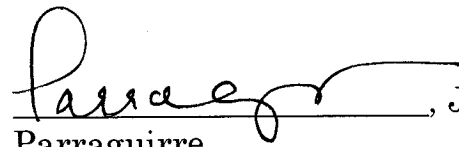
Having considered the petition and the supporting documentation, we conclude that the district court did not manifestly abuse its discretion when it found that petitioner participated in the settlement conference in bad faith and ordered petitioner to pay the other parties' counsel's costs and expenses as a sanction. NRCP 16(f) (stating that the district court may sanction a party for failing to "participate in good faith"). Additionally, the amount of the sanction that petitioner

challenges, \$9,901.05, is not excessive given the costs associated with attending the settlement conference. Id. (stating that “the judge shall require the party . . . to pay the reasonable expenses incurred . . . including attorney’s fees”). Accordingly, we are not satisfied that this court’s intervention by way of extraordinary relief is warranted, see NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and we

ORDER the petition DENIED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Allan L. Hash
Gayle A. Kern
Robison Belaustegui Sharp & Low
Washoe District Court Clerk

¹According to petitioner and real party in interest, petitioner has filed a bankruptcy petition. As this writ petition is an original proceeding in this court initiated by petitioner, and not an action by a creditor to collect a debt from petitioner, we conclude that our disposition does not violate the automatic stay provisions of 11 U.S.C. § 362(a) (2006). See Koolik v. Markowitz, 40 F.3d 567 (2d Cir. 1994); In re Way, 229 B.R. 11 (Bankr. 9th Cir. 1998).