

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THE ESTATES AT SEVEN HILLS,
Appellant,
vs.
GREEN IMAGE, LLC, D/B/A GTI, A
DOMESTIC LIMITED LIABILITY
COMPANY,
Respondent.

THE ESTATES AT SEVEN HILLS,
Appellant,
vs.
GREEN IMAGE, LLC, D/B/A GTI, A
DOMESTIC LIMITED LIABILITY
COMPANY,
Respondent.

No. 69241

FILED

MAR 31 2017

ELIZABETH BROWN
CLERK OF THE COURT
BY *Malap*
DEPUTY CLERK

No. 69598

ORDER OF AFFIRMANCE

This is a consolidated appeal from an order granting a motion for determination of good faith settlement and a denial of a motion for reconsideration in a tort action. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

This appeal concerns two co-defendants in a tort action, where each defendant settled separately with the plaintiff, who is not a party to this appeal.¹ One of the settling defendants, respondent Green Image, LLC ("GTI"), filed a motion for determination of good faith settlement, which the district court granted.

We review a district court's determination of good faith for abuse of discretion. *Velsicol Chemical v. Davidson*, 107 Nev. 356, 360, 811 P.2d 561, 563 (1991) (stating that "determination of good faith should be

¹We do not recount the facts except as necessary to our disposition.

left to the discretion of the trial court based upon all relevant facts available, and that, in the absence of an abuse of that discretion, the trial court's findings should not be disturbed"). "This standard of review vests the district court with considerable discretion." *Doctors Company v. Vincent*, 120 Nev. 644, 652, 98 P.3d 681, 687 (2004).

In analyzing whether a settlement was made in good faith, the district court should consider all relevant facts available to it, which may include evaluating the settlement amount, the existence of collusion or fraud aimed at injuring the non-settling defendants' interests, and the "relative liability permutations of the particular contribution or indemnity action known to it," including the strength and weaknesses of any such action. See *Otak Nevada, L.L.C. v. Eighth Judicial Dist. Court*, 129 Nev. ___, ___, 312 P.3d 491, 496 (2013). Having reviewed the parties' briefs and the district court record on appeal, we perceive no abuse of discretion and no reason to disturb the district court's decision.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.



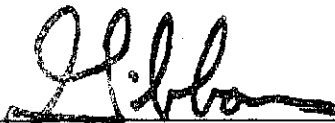
C.J.

Silver



J.

Tao



J.

Gibbons

²We have reviewed Seven Hills' remaining arguments and conclude they are without merit. In analyzing whether attorney fees and costs are warranted under equitable indemnity, when no fault has been apportioned, there is "no compelling reason to transfer the costs of defending the claim from one innocent party to another without an adjudication of liability against the indemnitor." *Rodriguez v. Primadonna Co., LLC*, 125 Nev. 578, 591, 216 P.3d 793, 802 (2009).

cc: Hon. Eric Johnson, District Judge
Larry J. Cohen, Settlement Judge
Olson, Cannon, Gormley, Angulo & Stoberski
Lee, Hernandez, Landrum, Garofalo
Eighth District Court Clerk