

IN THE SUPREME COURT OF THE STATE OF NEVADA

NUVEDA, LLC; TIMOTHY SMITS VAN  
OYEN; THC NEVADA LLC; RAYMOND  
BRAUDIS; ACE LEGAL CORP.; AND  
AMY L. SUGDEN,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARK R. DENTON, DISTRICT JUDGE,

Respondents,

and

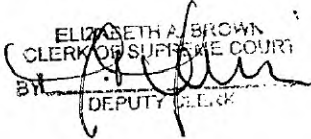
DOFAN Y. MELECH, RECEIVER FOR  
CWNEVADA, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; TRC-  
EVOLUTION NV, LLC; DESERT  
EVOLUTION, LLC; HIGHLAND  
PARTNERS NV LLC; MI-CW  
HOLDINGS NV FUND 2 LLC; AND MI-  
CW HOLDINGS LLC,

Real Parties in Interest.

No. 85254

FILED

MAR 09 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
By  DEPUTY CLERK

*ORDER DENYING PETITION*

This is an original petition for a writ of prohibition and/or mandamus challenging district court orders approving a settlement agreement in a receivership action and granting payment of receiver and professional fees and costs.

Both mandamus and prohibition are extraordinary remedies; the first compels an act the law requires or corrects a manifest abuse of discretion, while the second arrests unauthorized proceedings. *Halverson v. Miller*, 124 Nev. 484, 487, 186 P.3d 893, 896 (2008). Whether to consider a petition is within our sole discretion and we will grant a petition only


where “the petitioner has a clear right to the relief requested and there is no plain, speedy, and adequate remedy in the ordinary course of law.” *Id.* Writ relief is improper if the petitioner fails to demonstrate a beneficial interest in the requested relief. *Heller v. Leg.*, 120 Nev. 456, 460-61, 93 P.3d 746, 749 (2004). Where the district court has been entrusted with discretion on an issue, petitioner must show the lower court has manifestly abused its discretion or acted arbitrarily or capriciously to warrant our consideration. *See Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196-97 (2020).

The district court had discretion to decide whether to implement the settlement agreement and to determine the compensation due to the receiver. *Grisham v. Grisham*, 128 Nev. 679, 686, 289 P.3d 230, 235 (2012) (explaining that a district court’s decision to implement a settlement is entitled to “deferential review”); *Mortimer v. Pac. States Sav. & Loan Co.*, 62 Nev. 142, 158, 145 P.2d 733, 738 (1944) (receiver compensation); *see also* C.J.S. *Receivers* § 467 (acknowledging that the court may approve partial compensation before the case’s completion). Having considered the parties’ briefs and appendices filed in this matter, we conclude petitioner fails to meet its burden in view of the particular facts of this case. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Mark R. Denton, District Judge  
Sugden Law  
Lee Landrum & Ingle  
Law Office of Mitchell Stipp  
Dickinson Wright PLLC  
Holley Driggs/Las Vegas  
Brownstein Hyatt Farber Schreck, LLP/Las Vegas  
Jolley Uрга Woodbury Holthus  
Eighth District Court Clerk