

IN THE SUPREME COURT OF THE STATE OF NEVADA

NUVEDA, LLC, A NEVADA LIMITED  
LIABILITY COMPANY,

Petitioner,

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

DOTAN Y. MELECH, RECEIVER FOR  
CWNEVADA, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
SHANE TERRY, AN INDIVIDUAL,  
Real Parties in Interest.

No. 88966

**FILED**

AUG 12 2024

ELIZABETH ABBROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

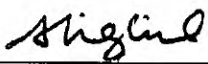
This original petition for a writ mandamus challenges an oral district court ruling denying a motion to dismiss for failure to bring consolidated actions to trial within five years per NRCP 41(e).

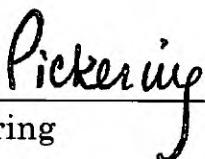
A writ of mandamus is available to compel the performance of a legally required act or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Whether to consider a writ petition is wholly within this court's discretion. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

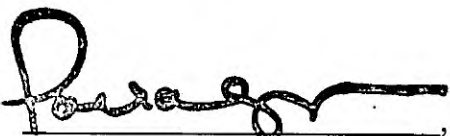
Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of

showing such relief is warranted). In particular, petitioner has not demonstrated that, upon consolidation, the cases below were merged into one action for purposes of mandatory dismissal under NRCP 41(e). *See Hall v. Hall*, 584 U.S. 59, 77 (2018) (recognizing that, historically, consolidated cases were viewed as retaining their separate identities and concluding that, although district courts enjoy substantial discretion in determining the extent of consolidation, “constituent cases retain their separate identities” for appeal purposes); *In re of Est. of Sarge*, 134 Nev. 866, 870-71, 432 P.3d 718, 722 (2018) (relying on *Hall* in determining that “[c]onsolidated cases retain their separate identities so that an order resolving all of the claims in one of the consolidated cases is immediately appealable”); *see also Gen. Motors Corp. v. Superior Ct. of Los Angeles Cnty.*, 416 P.2d 492, 496 (Cal. 1966) (noting that, regarding California’s analogous mandatory dismissal rule, “individual actions brought by plaintiffs should be treated as distinct even though they have been consolidated, and the time for bringing each action to trial should be measured from the time that particular action was filed”). Accordingly, mandamus relief is not available, and we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Stiglich

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

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>1</sup>In light of this order, petitioner’s emergency motion for stay is denied as moot.

cc: Hon. Mark R. Denton, District Judge  
Hutchison & Steffen, LLC/Las Vegas  
Cook & Kelesis  
Black & Wadhams  
Mushkin & Coppedge  
Eighth District Court Clerk