

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL STEVENS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE TINA
TALIM, DISTRICT JUDGE,

Respondents,

and

DEVARIM 18, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
UNITED CAPITAL INVESTMENT, LLC
D/B/A EDMOND TOWN CENTER, A
CALIFORNIA LIMITED LIABILITY
COMPANY,

Real Parties in Interest.

No. 90300

FILED

NOV 20 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER GRANTING PETITION
FOR A WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court contempt order and an order denying a motion to set aside the contempt order. “A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion.” *Int’l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); NRS 34.160. The decision to entertain a petition for a writ of mandamus is within our sole discretion. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Traditional mandamus is appropriate when the petitioner has a legal right to relief, the respondent manifestly abused its discretion by acting or

refusing to act, and no other plain, speedy, or adequate remedy exists.¹ *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680-81, 476 P.3d 1194, 1196-97 (2020); NRS 34.170. The petitioner carries the burden to show a clear legal right to the requested relief. *Walker*, 136 Nev. at 680, 476 P.3d at 1196.

Because the contempt order is not appealable, we elect to entertain the merits of this writ petition. *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (stating that “contempt orders must be challenged by an original petition pursuant to NRS Chapter 34”). We grant the petition because the district court manifestly abused its discretion by holding Stevens in contempt without due process. *See, e.g., Detwiler v. Eighth Jud. Dist. Ct.*, 137 Nev. 202, 215-16, 486 P.3d 710, 722 (2021) (granting mandamus relief in part from a contempt sanction).

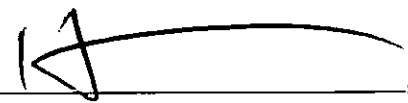
Petitioner Michael Stevens argues the contempt order violates his due process rights because he did not receive notice of the hearing or an opportunity to be heard before being held in contempt. We agree. Contempt may be imposed in a civil proceeding upon notice and an opportunity to be heard. *Matter of Hughes*, 136 Nev. 399, 404, 467 P.3d 627, 631 (2020). A party accused of indirect contempt has a due process right to confront witnesses and offer testimony. *Dep’t of Health & Hum. Servs., Div. of Pub. & Behav. Health v. Eighth Jud. Dist. Ct. (Aliano)*, 139 Nev. 254, 257, 534 P.3d 706, 711 (2023) (citing *Awad v. Wright*, 106 Nev. 407, 411, 794 P.2d 713, 716 (1990), *abrogated on other grounds by Pengilly*, 116 Nev. at 646, 5 P.3d at 569). Here, real parties in interest did not name Stevens in their

¹While Stevens alternatively requests a writ of prohibition, we conclude prohibition is not an appropriate remedy here.

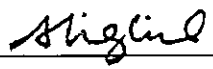
contempt motion. Additionally, the contempt motion did not request the court hold Stevens in contempt. Finally, Stevens was not given notice of the contempt motion or hearing. *See, e.g., Cedars-Sinai Imaging Med. Group v. Superior Court*, 100 Cal. Rptr. 2d 320, 324 (Ct. App. 2000), as modified on denial of reh'g (Oct. 24, 2000) (holding that a contempt order was invalid because the alleged contemnor was not personally served with the contempt papers, even though counsel was served). As a result, Stevens lacked an opportunity to confront witnesses and offer testimony.

Therefore, Stevens' due process rights were violated and we conclude the district court manifestly abused its discretion by holding Stevens in contempt without due process. *See Awad*, 106 Nev. at 409, 794 P.2d at 714 (reversing and remanding contempt order because alleged contemnor was not afforded opportunity to offer testimony). Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its February 21, 2024, contempt order to the extent that it holds Stevens in contempt.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Tina Talim, District Judge
Argentum Law
Johnson & Gubler, P.C.
Eighth District Court Clerk