

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 NUVEDA, LLC,

3 Petitioner,

4 vs

5 EIGHTH JUDICIAL DISTRICT
6 COURT OF THE STATE OF
7 NEVADA, IN AND FOR THE
8 COUNTY OF CLARK, THE
 HONORABLE ELIZABETH
 GONZALEZ, DISTRICT JUDGE,

9 Respondent,

10 SHANE TERRY, PHIL IVEY, AND
11 DOTAN Y. MELECH, receiver for
12 CWNEVADA, LLC, a Nevada limited
 liability company,

13 Real Parties in Interest.

Electronically Filed
Apr 23 2021 04:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 82469
District Court Case No. A-20-817363-B

Lead Case: A-17-755479-B

Other Consolidated Cases with Lead
Case:
A-19-791405-C and A-19-796300-B

14 **ANSWER TO PETITION FOR WRIT OF PROHIBITION OR, IN THE**
15 **ALTERNATIVE, PETITION FOR WRIT OF MANDAMUS**

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1 **NRAP 26.1 DISCLOSURE STATEMENT**

2 The undersigned counsel of record certifies that the following are persons
3 and entities as described in NRAP 26.1(a) and must be disclosed. These
4 representations are made in order that the judges of this court may evaluate
5 possible disqualification or recusal.

6 Michael R. Mushkin & Associates d/b/a Mushkin & Coppedge states that
7 it has no parent corporation and that no publicly held corporation owns 10% or
8 more of its stock.

9 Michael R. Mushkin and L. Joe Coppedge are the attorneys who have
10 appeared for Real Parties in Interest in this case.

11 Real Parties in Interest, Shane Terry, Phil Ivey, and Dotan Y. Melech,
12 receiver, state that they have no parent corporation and that no publicly held
13 corporation owns 10% or more of its stock.

14 DATED this 23rd day of April, 2021.

15 MUSHKIN & COPPEDGE

16 /s/L. Joe Coppedge

17 MICHAEL R. MUSHKIN, ESQ.

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1 Shane Terry, Phil Ivey, and Dotan Y. Melech, receiver for CWNevada,
2 LLC, a Nevada limited liability company (collectively, “Plaintiffs”), Real
3 Parties in Interest on behalf of Respondent, by and through their undersigned
4 attorneys, respectfully submit this Answer to Petition for Writ of Prohibition or,
5 in the Alternative, Petition for Writ of Mandamus.

6 POINTS AND AUTHORITIES

7 I. Statement of Issue Presented for Review

8 A. The only issue presented to this Court for review is whether
9 Petitioner waived its right to request another district judge preside over the
10 evidentiary hearing on Petitioner’s contempt.

11 II. Statement of Facts

12 A. Background

13 1. On June 13, 2019, Dotan Y. Melech was appointed receiver over
14 CWNevada, LLC (“CWNevada”) in case number A-18-773230-B, *Cima Group*
15 *LLC v. CWNevada* (the “Cima Case”) pursuant to the Order Appointing
16 Temporary Receiver and Temporary Restraining Order entered in the Cima Case
17 (the “Temporary Receiver Order”) to preserve and if possible, maximize the
18 value of CWNevada’s assets (the “Receivership Estate”) for the benefit of and
19 distribution to CWNevada’s creditors.¹

20 2. Mr. Melech was also appointed as receiver over CWNevada in this
21 case number A-17-755479-B (the “Receivership Action”) by stipulation in open
22

¹ RA Vol. I 001-016

1 court on June 14, 2019 and by subsequent orders of the district court presiding
2 over the Receivership Action (“Receivership Court”) entered on June 26, 2019
3 (“Interim Receivership Order”) and July 10, 2019 (“Current Receivership
4 Order”).²

5 3. The Current Receivership Order provides in part:

6 Dotan Y. Melech (“Receiver”) is hereby appointed Receiver
7 over CWNevada LLC and all of its assets including, without
8 limitation, all assets and rights related to any subsidiary and
9 affiliated entities (collectively “CWNevada”) in which
CWNevada has an ownership interest, including but not
limited to CWNV LLC, with the powers by this Order as
follows:

10 The Receiver shall be the agent of the Court and shall be
11 accountable directly to this Court. This Court hereby asserts
12 exclusive jurisdiction and takes exclusive possession of all
assets and property owned by, controlled by, or in the name
of CWNevada...³

13 4. Mr. Melech, as Receiver and an agent of the district court, has the
14 right to take exclusive possession of all assets and property owned by, controlled
15 by or in the name of CWNevada. This includes CWNV and CWNV1, LLC
16 (“CWNV1”).

17 5. During a hearing on August 18, 2020 regarding Plaintiffs’ Motion
18 for Preliminary Injunction and for Appointment of Receiver for NuVeda, LLC;
19 CWNV, LLC and CWNV1, LLC, the district court stated in part, in denying the
20 motion, that “[t]he entities, CWNV, LLC, and CWNV1 LLC are already under
21

22 ² RA Vol. I 017-045

³ RA Vol. I 018

1 the jurisdiction of the existing receiver.” *See* Court Minutes⁴, Transcript of
2 Proceedings, pp. 14-15.⁵

3 6. When the parties were unable to agree on the language of a
4 proposed order, NuVeda, LLC (“NuVeda”) filed a Motion for Clarification.

5 7. After reviewing the Motion for Clarification and related briefings,
6 the district court determined in chambers without a hearing that the Receiver
7 “has authority over the entities in which CWNevada was the majority interest
8 holder.” Despite this finding, the Court recognized that actions taken by NuVeda
9 as the purported trustee under Chapter 86 of the NRS for CWNV and CWNV1
10 “may ultimately be determined to be valid.” *See* Court Minutes⁶, Order Denying
11 Request for Receivership and Injunction and Granting Motion for Clarification
12 on Order Shortening Time filed herein on September 25, 2020.⁷

13 8. Plaintiffs then filed a Motion for Authorization to Reinstate
14 CWNV, LLC and CWNV1, LLC on an order shortening time on October 5,
15 2020.⁸

16 9. During the hearing on Plaintiffs’ Motion for Authorization to
17 Reinstate CWNV, LLC and CWNV1, LLC held on October 19, 2020, counsel
18 for NuVeda failed to disclose that Pejman Bady (“Dr. Bady”) had previously,
19 on October 16, 2020, filed new entities in the name of CWNV LLC and CWNV1

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21 ⁴ RA Vol. I 046

⁵ RA Vol. I 060-061

⁶ RA Vol. I 063

⁷ RA Vol. I 064-066

⁸ RA Vol. I 070-162

1 LLC. *See* Transcript of Proceedings⁹; Nevada Secretary of State filings.¹⁰

2 10. The district court granted Plaintiffs' Motion for Authorization to
3 Reinstate CWNV, LLC and CWNV1, LLC, which was memorialized in an order
4 filed on November 24, 2020. *See* November 24, 2020 Order.¹¹

5 11. The Order Granting Motion for Authorization to Reinstate CWNV,
6 LLC and CWNV1, LLC and Granting in Part and Denying in Part Plaintiffs'
7 Motion for Leave to File an Amended Complaint provides in part, "1. The
8 Receiver may apply to the Nevada Secretary of State to revive CWNV and
9 CWNV1 in accordance with NRS 86.580."¹²

10 12. On December 4, 2020, the Receiver filed its original Motion for
11 Order to Show Cause on Order Shortening Time why NuVeda and Dr. Bady
12 should not be held in contempt of court for violation of the district court's orders
13 because the act of filing new entities in the same name was preventing the
14 Receiver from reviving CWNV, LLC and CWNV1, LLC.¹³

15 13. On December 23, 2020, the district court served its Court Minutes,
16 which provide in part, "[a]s the Receiver has not yet submitted the revival
17 application to the Secretary of State in hard copy, the Court declines to take any
18 action at this time. If a denial is made by the Secretary of State's Office, the
19 Court may take other actions related to the subject matter of the Order to Show

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21 ⁹ RA Vol. I 163-177

¹⁰ RA Vol. I 229-234

¹¹ RA Vol. I 178-181

¹² RA Vol. I 179

¹³ RA Vo. I 182-245

1 Cause.” *See* Court Minutes.¹⁴

2 14. The Holly Driggs Law Firm submitted the revival applications for
3 CWNV, LLC and CWNV1, LLC in hard copy on December 29, 2020. *See*
4 Declaration of Kandy A. Halsey.¹⁵

5 15. The Secretary of State’s office responded on December 29, 2020
6 that “the order could not be processed” because “[t]he entity name is already in
7 use.” *See* Letters from the Office of the Secretary of State.¹⁶

8 16. On January 5, 2021, Plaintiffs’ counsel wrote to NuVeda’s counsel,
9 Mr. Stipp requesting that Dr. Bady provide either a name consent release for
10 CWNV LLC and CWNV1 LLC or file for a change of name for such entities so
11 that CWNV, LLC and CWNV1, LLC could be revived.¹⁷

12 17. Mr. Stipp requested copies of the documents submitted to the
13 Secretary of State’s office, which was provided to him on January 6, 2021.¹⁸

14 18. Instead of providing a name consent release for CWNV LLC and
15 CWNV1 LLC so that CWNV, LLC and CWNV1, LLC could be revived by the
16 Receiver, Mr. Stipp wrote on January 15, 2021, to advise that Dr. Bady revived
17 the entities himself claiming that he “through NuVeda was the only person with
18 actual authority to revive them.”¹⁹

19 19. The Nevada Secretary of State records indicate that Dr. Bady

20 ¹⁴ RA Vol. I 246-247

21 ¹⁵ RA Vol. II 273-275

22 ¹⁶ RA Vol. II 278; RA Vol. II 284

¹⁷ RA Vol. II 293

¹⁸ RA Vol. II 293-295

¹⁹ RA Vol. II 321

1 revived the old CWNV, LLC and CWNV1, LLC entities under a slightly
2 different name and then merged them with the new entities he had formed to
3 block revival by the Receiver. The entity status for CWNV, LLC and CWNV1,
4 LLC is reflected in the Secretary of State records as “Merge Dissolved.”²⁰

5 20. In addition, in a recent filing in the Nevada Supreme Court, Case
6 No. 79110, NuVeda filed a Motion to Substitute Party (Appellant) seeking to
7 substitute CWNV LLC, a new formed Nevada limited liability company (“New
8 CWNV”) as successor in interest to the Dissolved CWNV.²¹

9 21. NuVeda’s Motion states in part, that “[a]s trustee for Dissolved
10 CWNV, Dr. Bady through NuVeda has transferred all assets and liabilities of
11 Dissolved CWNV to New CWNV, which is managed soled by Dr. Bady.”²²

12 **B. Relevant Facts related to Waiver.**

13 22. Plaintiffs filed their Renewed Motion for Order to Show Cause on
14 Order Shortening Time on January 21, 2021. The Renewed Motion was
15 scheduled for a telephonic hearing on February 1, 2021.²³

16 23. The Court Minutes issued on February 1, 2021 indicate the
17 following,

18 Following arguments by Mr. Coppedge and Mr. Stipp,
19 COURT ORDERED, CAUSE HAS BEEN SHOWN that
20 NuVeda has violated the Court’s orders to the extent that
21 NuVeda went beyond reviving the entities. The Court will
22 SET a hearing for contempt related to actions that occurred
23 after the revival specifically the merger into the new entities.

21 ²⁰ RA Vol. II 324-347

22 ²¹ RA Vol. I 239-242

²² RA Vol. I 241

²³ RA Vol. II 248-396

1 *See* Court Minutes.²⁴

2 24. The district court authorized written discovery requests with a 15-
3 day response time and allowed the depositions of the Receiver and Dr. Bady,
4 limited to 2 hours. All discovery was to be completed within 21 days. The
5 Contempt Hearing was SET on Monday, March 21, 2021 at 1 p.m. *See* Court
6 Minutes.²⁵

7 25. Mr. Stipp wrote an e-mail the following day on February 2, 2021
8 with the Subject:

9 NOTICE TO RESCHEDULE EVIDENTIARY HEARING
10 ON 3/1/21

11 Dr. Bady will be having surgery on 2/23/21 in CA. There is
12 a follow up procedure also scheduled within 7-10 days. The
13 earliest Dr. Bady will be in Las Vegas is March 2. However,
 he will not be able to participate in an evidentiary hearing
 for several weeks. This will also impact depositions and
 response time for written discovery.

14 Given the above, I think we should move the hearing to
15 April/May. There is not an emergency that requires
 completion of the hearing by March 1.”

16 *See* February 2, 2021 electronic mail from Mitchell Stipp to
 L. Joe Coppedge.²⁶

17 26. On February 4, 2021, NuVeda unilaterally noticed the deposition
18 of the Receiver for February 9, 2021. *See* Notice of Deposition.²⁷

19 27. On February 5, 2021, Mr. Stipp wrote,
20

21 ²⁴ RA Vol. II 397

22 ²⁵ RA Vol. II 397

²⁶ RA Vol. II 404

²⁷ RA Vol. II 402-403

1 You communicated that the receiver is only willing to
2 continue the hearing on March 1 for 7 days to accommo-
3 date Dr. Bady's surgery if we agree that depositions and
4 hearing are done using alternative means. This matter is not
5 an emergency, and we do not understand the receiver's
6 unwillingness to accommodate.

7 *See* electronic mail dated February 5, 2021.²⁸

8 28. Given the multiple health issues of several individuals involved in
9 the deposition process, Mr. Coppedge clarified his response to NuVeda' request
10 to continue the hearing.

11 The Receiver can appear by video on February 9 so you do
12 not lose our deposit... I requested that Dr. Bady's deposition
13 be scheduled for February 22. Although we did not discuss
14 a time, I can take his deposition early that day if he needs to
15 travel for his medical procedure. Although neither of us
16 knows the medical procedure that Dr. Bady is undergoing, I
17 offered to continue the hearing for one week to March 8
18 provided that date is available on the court's calendar. I
19 don't care whether the hearing is in person or not, but as an
20 additional compromise, I offered that we would agree that
21 Dr. Bady can appear by video at the hearing. I believe the
22 above is a good faith compromise given the current
circumstances and multiple health concerns on both sides."

See electronic mail from Mr. Coppedge dated February 5, 2021.²⁹

29. Later that same day, Mr. Stipp again confirmed his request to have
the evidentiary hearing continued by writing,

While I appreciate the offer to move the hearing 7 days, that
does not address depositions or written discovery. Your
offer is also conditional. When dealing with these issues, it
is usually my experience that attorneys and parties
cooperate (especially on a matter which are delicate like
health/safety). There is no emergency in this case."

²⁸ RA Vol. II 410

²⁹ RA Vol. II 409

1 *See* electronic mail dated February 5, 2021.³⁰

2 30. When the parties could not agree on the procedures for depositions
3 and NuVeda's request to continue the hearing, Mr. Coppedge wrote to the
4 district court as follows,

5 On February 4, counsel for Dr. Bady unilaterally noticed the
6 deposition of the Receiver to take place on Tuesday,
7 February 9 at 10:00 a.m. in person. Multiple parties,
8 including the Receiver and the undersigned counsel have
9 significant health concerns about appearing for a deposition
10 in person and have requested that the 2 hour deposition take
place via video. Dr. Bady has declined. Given the urgency
of this matter, the undersigned respectfully requests a brief
conference call with the court to resolve the manner and
timing of the Receiver's deposition, as well as the date of
the evidentiary hearing.

11 *See* electronic mail dated February 8, 2021.³¹

12 31. Mr. Stipp responded to Mr. Coppedge's electronic mail later that
13 morning and attached the aforementioned electronic correspondence with Mr.
14 Coppedge where he specifically requested that the evidentiary hearing on March
15 1, 2021 be rescheduled.³²

16 32. The Court scheduled a telephonic conference for 11:45 a.m. later
17 that morning.³³

18 33. During the telephonic conference, the district court allowed the
19 deposition of the Receiver to proceed via video conference and re-scheduled the
20 evidentiary hearing to April 5, 2021, as requested by NuVeda, all of which is

21 ³⁰ RA Vol. II 408

22 ³¹ RA Vol. II 399

³² RA Vol. II 400-411

³³ RA Vol. II 413

1 confirmed in the electronic mail correspondence Mr. Stipp provided to the
2 district court.

3 34. NuVeda, through Mr. Stipp, then submitted a Status Report
4 Regarding Contempt Hearing on February 26, 2021. As of this time, NuVeda
5 still had not requested reassignment from Judge Gonzalez for the contempt
6 hearing. See Status Report Regarding Contempt Hearing.³⁴

7 35. On March 1, 2021, the district court entered the following minute
8 order which provides in part,

9 – Court reviewed status reports from Mr. Coppedge and Mr.
10 Stipp. Current April 5, 2021 for the Contempt proceedings
11 STANDS. Parties to provide a joint status report on
12 completion of Dr. Bady's deposition by March 18, 2021.
13 Matter SET for Status Check regarding scheduled Contempt
14 Proceeding April 5, 2021 on March 19, 2021 chambers.

15 See March 1, 2021 Court Minutes.³⁵

16 36. On March 10, 2021, NuVeda and Dr. Bady filed a new Status
17 Check and Request for Related Relief³⁶, which was initially scheduled for a
18 Chambers hearing on March 19, 2021, then scheduled on an order shortening
19 time for March 17, 2021. This is the first time that NuVeda requested that a
20 different judge preside over the evidentiary contempt hearing. See Status Check
21 and Request for Related Relief, p. 8.³⁷

22 37. During the telephonic hearing held on March 17, 2021, Mr. Stipp

³⁴ RA Vol. II 415-418

³⁵ RA Vol. II 419

³⁶ RA Vol. II 420-432

³⁷ RA Vol. II 427

1 attempted to distance himself by NuVeda's previous request to re-schedule the
2 evidentiary hearing, claiming he had not requested a continuance of the
3 evidentiary hearing originally scheduled for March 1, 2021. However, the
4 district court expressly recalled that NuVeda had in fact requested that the
5 evidentiary hearing be re-scheduled.

6 38. Mr. Stipp stated,

7 But I think it's important to clarify the record in this case.
8 We didn't ask for an extension of the evidentiary hearing,
9 Your Honor.

10 THE COURT: Mr. Stipp, you actually asked me to extend
11 it because of Mr. Bady's medical condition. That was the
12 first time I've heard about it, or maybe it was the second
13 time I heard about it, but you made the request.

14 March 17, 2021 Transcript, 12:16-22.³⁸

15 39. In response to NuVeda's delayed request to have a different judge
16 preside over the evidentiary contempt hearing, the district court stated,

17 THE COURT: Mr. Stipp, your motion is denied.

18 While I might have granted your request for another Judge
19 (telephonic interference) may have been previously by
20 requesting that I continue the hearing which we discussed in
21 court on February 22, 2021, and my granting your request,
22 that has been waived.

March 17, 2021 Transcript, 11:10-14³⁹

23 **III. Argument**

24 The law in Nevada is well established that the failure to bring an issue
25 before this Court in a timely manner results in a waiver of the objection. *Sturrock*

³⁸ RA Vol. II 433-446

³⁹ RA Vol. II 433-446

1 v. *State of Nevada*, 95 Nev. 938, 943, 604 P.2d 341, 345 (Nev. 1979) (citing, *Nix*
2 v. *State*, 91 Nev. 613, 541 P.2d 1 (1975); *George v. State*, 89 Nev. 47, 505 P.2d
3 1217 (1973); *Skinner v. State*, 83 Nev. 380, 432 P. 2d 675 (1967); *Oberle v.*
4 *Fogliani*, 82 Nev. 428, 420 P.2d 251 (1966); *Ex parte Merton*, 80 Nev. 435, 395
5 P.2d 766 (1964). Also see *Davis v. State*, 132 Nev. 960, ___, 2016 Nev. App.
6 Unpub. LEXIS 192 (Nev. App. 2016) (When a defendant seeks to challenge the
7 State's non-compliance with a statutory obligation, his failure to timely object
8 can constitute a waiver of the issue.)

9 In the instant matter, NuVeda objects to Judge Gonzalez presiding over
10 the evidentiary hearing on contempt under NRS 22.020(3). NuVeda argues that
11 it did not waive the right to object by claiming it did not ask for a continuance.
12 NuVeda is simply wrong in its analysis. The electronic mail that Mr. Stipp
13 provided to the district court on February 8, 2021, confirms that NuVeda did in
14 fact request a continuance of the evidentiary hearing initially scheduled for
15 March 1, 2021.

16 NuVeda failed to object to Judge Gonzalez presiding over the evidentiary
17 contempt hearing in its opposition to Plaintiffs' Renewed Motion for Order to
18 Show Cause. NuVeda failed to object to Judge Gonzalez presiding over the
19 evidentiary contempt hearing during the telephonic hearing on February 1, 2021.
20 Beginning the following day on February 2, 2021 and continuing for several
21 days thereafter, Mr. Stipp wrote to Plaintiffs' counsel, repeatedly requesting a
22 continuance of the evidentiary hearing then scheduled for March 1, 2021 as it

1 was not an emergency. When the parties could not agree to the procedures for
2 depositions and a continued date for the evidentiary hearing, Plaintiffs' counsel
3 wrote to Department 11, requesting a telephonic conference to resolve the
4 outstanding issues, including the date for the evidentiary hearing. Mr. Stipp
5 responded to the electronic mail, copied Department 11, and attached the
6 electronic mail correspondence in which he repeatedly requested a continuance
7 of the date for the evidentiary hearing. Specifically, Mr. Stipp provided
8 information to the district court that:

- 9 • Dr. Bady will be having surgery on February 23, 2021 in California.
- 10 • Dr. Bady will have a follow up procedure scheduled within 7-10
11 days.
- 12 • The earliest Dr. Bady would return to Las Vegas was March 2.
- 13 • Dr. Bady will not be able to participate in an evidentiary hearing
14 for several weeks.
- 15 • Given the above, Mr. Stipp requested to move the hearing to
16 April/May.
- 17 • Mr. Stipp complained that Plaintiffs were only willing to continue
18 the hearing scheduled for March 1, 2021 for 7 days to accommodate Dr. Bady's
19 surgery if NuVeda agreed that depositions and hearing are done using alternative
20 means.
- 21 • Mr. Stipp repeatedly asserted the evidentiary hearing is not an
22 emergency, and he did not understand the receiver's unwillingness to

1 accommodate his request to continue the evidentiary hearing.

2 Based on the foregoing, the district court continued the evidentiary
3 contempt hearing to April 5, 2021. Clearly, the hearing was continued to
4 accommodate NuVeda's request and for no other reason. Following the
5 continuance, NuVeda still failed to object until its filing on March 10, 2021, ten
6 days after the original date for the evidentiary hearing. There is no evidence that
7 the district court abused its discretion or acted in an arbitrary or capricious
8 manner.

9 **IV. Conclusion**

10 The evidence is clear that NuVeda, through its counsel, requested a
11 continuance of the initial hearing during the telephonic conference on February
12 8, 2021. This is undisputedly confirmed in the electronic mail correspondence
13 NuVeda's counsel provided to the district court. NuVeda's attempt to deny this
14 request should not go unnoticed by this Court.

15 Although it had multiple opportunities to request another judge preside
16 over the evidentiary hearing on contempt, it failed to do so for at least 40 days
17 after the initial hearing on the Renewed Motion for an Order to Show Cause.
18 The district court expressly found Petitioner's behavior amounted to a waiver.
19 This Court should not substitute its judgment for that of the district court who
20 sat through the telephonic hearings.

1 Based on the foregoing, Plaintiffs respectfully request that Petitioner's
2 Writ be denied.

3 DATED this 23rd day of April, 2021.

4 MUSHKIN & COPPEDGE

5 /s/L. Joe Coppedge

6 MICHAEL R. MUSHKIN, ESQ.

7 Nevada Bar No. 2421

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1 **CERTIFICATE OF COMPLIANCE**

2 1. I hereby certify that this brief complies with the formatting
3 requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5)
4 and the type style requirements of NRAP 32(a)(6) because:

5 2. ☒ This brief has been prepared in a proportionally spaced
6 typeface using Microsoft Word 2016 in Times New Roman 14-point font; or

7 3. ☐ This brief has been prepared in a monospaced typeface using
8 *[state name and version of word-processing program]* with *[state number of*
9 *characters per inch and name of type style]*.

10 4. I further certify that this brief complies with the page- or type-
11 volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief
12 exempted by NRAP 32(a)(7)(C), it is either:

13 ☒ Proportionately spaced, has a typeface of 14 points or more,
14 and contains 3491 words; or

15 ☐ Monospaced, has 10.5 or fewer characters per inch, and
16 contains _____ words or _____ lines of text; or

17 ☐ Does not exceed _____ pages.

18 5. Finally, I hereby certify that I have read this appellate brief, and to
19 the best of my knowledge, information, and belief, it is not frivolous or
20 interposed for any improper purpose. I further certify that this brief complies
21 with all applicable Nevada Rules of Appellate Procedure, in particular NRAP
22 28(e)(1), which requires every assertion in the brief regarding matters in the

1 record to be supported by a reference to the page and volume number, if any, of
2 the transcript or appendix where the matter relied on is to be found. I understand
3 that I may be subject to sanctions in the event that the accompanying brief is not
4 in conformity with the requirements of the Nevada Rules of Appellate
5 Procedure.

6 DATED this 23rd day of April, 2021.

7 MUSHKIN & COPPEDGE

8 /s/L. Joe Coppedge

9 MICHAEL R. MUSHKIN, ESQ.

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25(d), I certify that on this 23rd day of April, 2020, I
3 served a true and correct copy of the foregoing **Answer to Petition for Writ of**
4 **Prohibition or, in the Alternative, Petition for Writ of Mandamus** as
5 follows:

- 6 ☐ by placing same to be deposited for mailing in the United States
7 Mail, in a sealed envelope upon which first class postage was
8 prepaid in Las Vegas, Nevada;
- 9 ☒ via electronic means by operation of the Court's electronic filing
10 system, upon each party in this case who is registered as an
11 electronic case filing user with the Clerk;
- 12 ☐ via hand-delivery to the addressee listed below;
- 13 ☐ via facsimile;
- 14 ☐ by transmitting via email to the email address set forth below.

15
16 /s/Karen L. Foley
17 An Employee of
18 Mushkin & Coppedge
19
20
21
22