

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

W L A B INVESTMENT GROUP,  
LLC,

Appellant,

v.

TKNR, INC., a California  
Corporation, and CHI ON WONG aka  
CHI KUEN WONG, an individual,  
and KENNY ZHONG LIN, aka KEN  
ZHONG LIN aka KENNETH ZHONG  
LIN aka WHONG K. LIN aka  
CHONG KENNY LIN aka ZHONG  
LIN, an individual, and LIWE  
HELEN CHEN aka HELEN CHEN,  
an individual and YAN QIU ZHANG,  
an individual and INVESTPRO LLC  
dba INVESTPRO REALTY, a Nevada  
Limited Liability Company, and MAN  
CHAU CHENG, an individual, and  
JOYCE A. NICKRANDT, an  
individual, and INVESTPRO  
INVESTMENTS LLC, a Nevada  
Limited Liability Company, and  
INVESTPRO MANAGER LLC, a  
Nevada Limited Liability Company  
and JOYCE A. NICKDRANDT, an  
individual and does 1 through 15 and  
roe corporation I-XXX,

Respondents.

Supreme Court Case No: 82835  
District Court Case No: A785917  
Nov 18 2021 09:36 a.m.  
Electronically Filed  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPEAL**

from the Eighth Judicial District Court, Clark County  
The Honorable Adriana Escobar, District Judge  
District Court Case No. A-18-785917-C

**APPELLANT'S APPENDIX VOLUME X**

**CHRONOLOGICAL INDEX**

<b>Document Name</b>	<b>Date Filed</b>	<b>Vol.</b>	<b>Page</b>
Supreme Court Order Granting Benjamin Childs' Petition for Writ of Mandamus	10/19/2021	X	1850-1853
Benjamin Childs' Writ of Mandamus	09/19/2021	X	1854-1855

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN B. CHILDS,  
Petitioner,

vs.

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

Respondents,

and

WLAB INVESTMENT, LLC; TKNR,  
INC., A CALIFORNIA CORPORATION;  
CHI ON WONG, A/K/A CHI KUEN  
WONG, AN INDIVIDUAL; KENNY  
ZHONG LIN, A/K/A KEN ZHONG LIN,  
A/K/A KENNETH ZHONG LIN, A/K/A  
WHONG K. LIN, A/K/A CHONG  
KENNY LIN, A/K/A ZHONG LIN, AN  
INDIVIDUAL; LIWE HELEN CHEN,  
A/K/A HELEN CHEN, AN  
INDIVIDUAL; YAN QUI ZHANG, AN  
INDIVIDUAL; INVESTPRO LLC, D/B/A  
INVESTPRO REALTY, A NEVADA  
LIMITED LIABILITY COMPANY; MAN  
CHAU CHENG, AN INDIVIDUAL;  
JOYCE A. NICKRANDT, AN  
INDIVIDUAL; INVESTPRO  
INVESTMENTS LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
INVESTPRO MANAGER LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND JOYCE A.  
NICKDRANDT, AN INDIVIDUAL,  
Real Parties in Interest.

No. 82967

**FILED**

OCT 19 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Yeung  
DEPUTY CLERK

## ORDER GRANTING PETITION

This original petition for a writ of mandamus or prohibition challenges a district court order imposing sanctions under NRCP 11.<sup>1</sup> We conclude that mandamus relief is warranted because the district court abused its discretion by awarding sanctions against petitioner in contravention of NRCP 11's explicit and mandatory procedural requirements.<sup>2</sup> *Watson Rounds, P.C. v. Eighth Judicial Dist. Court*, 131 Nev. 783, 786-87, 358 P.3d 228, 231 (2015) (reviewing a district court's sanctions order against an attorney for an abuse of discretion and observing that a petition for writ relief is the appropriate means for a non-party attorney to challenge such an order). In particular, real parties in interest did not serve notice of their motion at least 21 days before they filed the motion with the district court and the motion was not made separately from their summary judgment motion as required by NRCP 11(c)(2). The purpose of that provision is to allow the offending party to correct or withdraw a problematic pleading, and petitioner was not afforded the benefit of that provision, which would allow him to avoid sanctions under that rule.<sup>3</sup> *Watson Rounds*, 131 Nev. at 787, 358 P.3d at 231; *Barber v.*

---

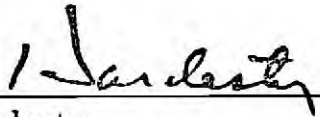
<sup>1</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this matter.

<sup>2</sup>Although petitioner alternatively requests a writ of prohibition, prohibition is not an appropriate remedy here because the issue does not concern the district court's jurisdiction.

<sup>3</sup>Although the summary judgment originally entered by the district court directed the real parties to prepare an order to show cause, the court's amended summary judgment removed that provision such that the district

*Miller*, 146 F.3d 707, 710-11 (9th Cir. 1998). Thus, before sanctions may be imposed against an offending attorney, that attorney must be given “notice and a reasonable opportunity to respond.” NRCP 11(c); *Lioce v. Cohen*, 124 Nev. 1, 26, 174 P.3d 970, 986 (2008) (same). Here, real parties in interest failed to comply with the mandatory procedural requirements of NRCP 11(c), which precludes the imposition of sanctions under Rule 11.<sup>4</sup> We therefore

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate the portion of its order imposing sanctions against petitioner and to have the underlying district court case reassigned to a different district court judge.<sup>5</sup>

, C.J.  
Hardesty

, J.  
Stiglich

 Sr.J.  
Gibbons

court did not order petitioner to show cause why he should not be sanctioned. See NRCP 11(c)(3) (providing that the court, on its own, may order an attorney to “show cause why conduct specifically described in the order has not violated Rule 11(b)”).

<sup>4</sup>We are not persuaded by real parties in interest’s argument that the district court could have awarded sanctions under NRS 7.085 or NRS 18.010(2)(b), as the district court expressly granted “attorneys’ fees and costs pursuant to Rule 11.”

<sup>5</sup>The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.

cc: Hon. Adriana Escobar, District Judge  
Chief Judge, Eighth Judicial District Court  
Benjamin B. Childs  
Michael B. Lee, P.C.  
Day & Nance  
Eighth District Court Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMIN B. CHILDS,  
Petitioner,

No. 82967

vs.

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

Respondents,

and

WLAB INVESTMENT, LLC; TKNR,  
INC., A CALIFORNIA CORPORATION;  
CHI ON WONG, A/K/A CHI KUEN  
WONG, AN INDIVIDUAL; KENNY  
ZHONG LIN, A/K/A KEN ZHONG LIN,  
A/K/A KENNETH ZHONG LIN, A/K/A  
WHONG K. LIN, A/K/A CHONG  
KENNY LIN, A/K/A ZHONG LIN, AN  
INDIVIDUAL; LIWE HELEN CHEN,  
A/K/A HELEN CHEN, AN  
INDIVIDUAL; YAN QUI ZHANG, AN  
INDIVIDUAL; INVESTPRO LLC, D/B/A  
INVESTPRO REALTY, A NEVADA  
LIMITED LIABILITY COMPANY; MAN  
CHAU CHENG, AN INDIVIDUAL;  
JOYCE A. NICKRANDT, AN  
INDIVIDUAL; INVESTPRO  
INVESTMENTS LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
INVESTPRO MANAGER LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND JOYCE A.  
NICKDRANDT, AN INDIVIDUAL,  
Real Parties in Interest.

WRIT OF MANDAMUS

TO: The Honorable Adriana Escobar, Judge of the Eighth Judicial District Court:

WHEREAS, this Court having made and filed its written decision that a writ of mandamus issue,

NOW, THEREFORE, you are instructed, in the case entitled WLAB Investment, LLC vs. TKNR Inc, Et Al., case no. A785917, to vacate the portion of your order imposing sanctions against petitioner and to have the underlying district court case reassigned to a different district court judge.

WITNESS The Honorables James Hardesty, Chief Justice, Lidia Stiglich, Associate Justice of the Supreme Court of the State of Nevada, and Mark Gibbons, Senior Justice of the State of Nevada, and attested by my hand and seal this 19th day of September, 2021.

  
Clerk of Court