

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

2           TAHICAN, LLC,

3                                   Petitioner,

4           vs.

5           THE EIGHTH JUDICIAL DISTRICT  
6           COURT of the State of Nevada in and  
7           for the County of Clark, and THE  
8           HONORABLE KATHLEEN E.  
9           DELANEY,

10                               Respondents.

11           and

12           MAX JOLY, PATRICIA JOLY, JEAN  
13           FRANCOIS RIGOLLET, LE  
14           MACARON LLC and BYDOO, LLC,

15                               Real Parties in Interest,

)   Appeal No.:

)   Nature of Proceeding:

)   Court below:

)   Eighth Judicial District Court

)   Case No.: A-16-734832-C

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17                                   **PETITION FOR WRIT OF MANDAMUS PURSUANT TO NRAP 21**

18  
19                                   R. Christopher Reade, Esq.

20                                   Nevada Bar No. 006791

21                                   P. Rowland Graff, Esq.

22                                   Nevada Bar No. 015050

23                                   CORY READE DOWS & SHAFER

24                                   1333 North Buffalo Drive, Suite 210

25                                   Las Vegas, Nevada 89128

26                                   Telephone: (702) 794-4411

27                                   Facsimile: (702) 794-4421

28                                   creade@crdslaw.com

Attorneys for Petitioner Tahican LLC

1           Petitioner TAHICAN, LLC, a Nevada limited liability company (“Tahican”),  
2   by and through its attorneys R. Christopher Reade, Esq. and P. Rowland Graff, Esq.  
3   of the law firm of Cory Reade Dows & Shafer, respectfully petitions this Court  
4   pursuant to NRS 34.150 through NRS 34.310 and NRAP 21 to issue a Writ of  
5   Mandamus to direct the Honorable Kathleen E. Delaney of the Eighth Judicial  
6   District Court in and for Clark County to enter an order expunging the Lis Pendens  
7   filed in the underlying matter and recorded on the Petitioner’s real property know as  
8   2003 Smoketree Village Circle, Henderson, Nevada 89012 (“Property”).  
9   Accordingly, due to the irreparable harm Petitioners have suffered and will suffer  
10   without clear title to its property, as well as the lack of any adequate remedy at law,  
11   Petitioner Tahican respectfully request that this Court grant the instant writ and order  
12   the Respondent court to expunge the lis pendens on the Property.  
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17                                   CORY READE DOWS & SHAFER

18                           By:           /s/ R. Christopher Reade            
19                                   R. CHRISTOPHER READE, ESQ.  
20                                   Nevada Bar No. 006791  
21                                   P. ROWLAND GRAFF, ESQ.  
22                                   Nevada Bar No. 015050  
23                                   1333 North Buffalo Drive, Suite 210  
24                                   Las Vegas, Nevada 89128  
25                                   Telephone: (702) 794-4411  
26                                   Facsimile: (702) 794-4421  
27                                   creade@crdslaw.com  
28                                   Attorneys for Petitioner Tahican, LLC

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Petitioner Tahican, LLC is a privately held limited liability company and there is no publicly held company that owns 10% or more of Tahican LLC. Cory Reade Dows & Shafer represents Tahican LLC in this proceeding.

CORY READE DOWS & SHAFER

By: /s/ R. Christopher Reade  
R. CHRISTOPHER READE, ESQ.  
Nevada Bar No. 006791  
P. ROWLAND GRAFF, ESQ.  
Nevada Bar No. 015050  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Telephone: (702) 794-4411  
Facsimile: (702) 794-4421  
creade@crdslaw.com  
Attorneys for Petitioner Tahican, LLC

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Dated this 9th day of March, 2022.

By: /s/ R. Christopher Reade  
R. CHRISTOPHER READE, ESQ.  
Nevada Bar No. 006791  
P. ROWLAND GRAFF, ESQ.  
Nevada Bar No. 015050  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Telephone: (702) 794-4411  
Facsimile: (702) 794-4421  
creade@crdslaw.com  
Attorneys for Petitioner Tahican, LLC

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## **POINTS AND AUTHORITIES**

### **I. THE RELIEF SOUGHT**

Petitioner TAHICAN LLC requests that this Court enter its order directing and mandating Eighth Judicial District Court Judge Kathleen E. Delaney to enter an order expunging the Lis Pendens filed and recorded against the real property of the Petitioner Tahican LLC in the underlying matter.

### **II. ISSUES PRESENTED**

A. Whether Plaintiff Max Joly improperly recorded a Lis Pendens pursuant to NRS 14.010 where the Plaintiff did not make any claim or cause of action affecting the title or possession of real property.

B. Whether a fraudulent transfer claim for purposes of securing assets for post-judgment collection of a money judgment constitutes an action affecting title or possession of real property when the underlying lawsuit is not related to the real property but claims for money damages.

C. Whether the District Court manifestly abused its discretion by refusing to expunge the Lis Pendens recorded by Max Joly, where the Joly did not make any claim to title or possession of the real property but is only seeking to unwind allegedly fraudulent transfers for post-judgment collection against other Defendants.

### III. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Real Party in Interest Max Joly (“Joly”) has brought claims exclusively alleging money damages arising out of a business transaction that has nothing to do with the real property upon which a lis pendens has been recorded. The allegations of the Complaint are as follows. Joly and Defendant/Real Party in Interest Jean Francois Rigollet (“Rigollet”) allegedly met in early 2000’s. (I AA068 ¶11). Joly showed Rigollet an advertisement for a “Le Macaron” franchise and discussed opening a franchise store in Las Vegas. (I AA069–AA070 ¶ 23). In July of 2014, Joly and Real Party in Interest/Defendant Bydoo, LLC (“Bydoo”) set up Le Macaron, LLC (“Le Macaron”) as a Nevada limited liability company and opened two franchised stores in Las Vegas by Fall 2015. (I AA073 ¶48–49).

On September 29, 2015, Joly alleges that Joly and Bydoo entered into the LLC Membership Purchase Agreement (“Purchase Agreement”) to transfer Joly’s membership in Le Macaron to Bydoo for monetary consideration. (I AA002–AA003). However a dispute arose between Joly and Bydoo related to the actual percentage of Joly’s membership interest and whether Joly could transfer the required interest under the Purchase Agreement. As a result Bydoo refused to pay Joly for Joly’s membership interest in Le Macaron.

On April 1, 2016, Joly filed his Complaint, which brought seven claims against Bydoo, LLC, Le Macaron, LLC, and Rigollet for money damages and



1 equitable relief arising out of the Purchase Agreement. (I AA006–AA017). No  
2 claims against Petitioner Tahican LLC (“Tahican”) or alleging any interest in any  
3 property were made; Tahican was not a party to the Purchase Agreement or the  
4 litigation. (I AA006–AA017).

5  
6 On May 4, 2016, Bydoo transferred certain real property known as 2003  
7 Smoketree Village in Henderson, Nevada (“Property”) to Tahican for \$155,000.00.  
8 (I AA019–AA022). On April 4, 2017, Joly filed and recorded a Lis Pendens against  
9 the Property even though Tahican was not a party and no claims against the Property  
10 were alleged. (I AA046-AA048). In October 2017, Joly filed his First Amended  
11 Complaint, which brought six claims against Rigollet, Bydoo, and Le Macaron; no  
12 claims against Tahican or the Property were made even though there was a lis  
13 pendens filed and recorded. (I AA024–AA044). All claims and parties related to  
14 payment for Joly’s membership interest. (I AA034–AA038).

15  
16 On August 10, 2018, Rigollet moved to expunge the Lis Pendens. (I AA050–  
17 AA064). Joly then filed a Second Amended Complaint without leave of court. (I  
18 AA066–AA094). Nonetheless the District Court granted Joly leave to file his  
19 Second Amended Complaint and allowed Tahican to be added as a party after the  
20 fact. (I AA237- AA239). The only claims alleged that Tahican received the Property  
21 which was previously an asset of Bydoo.

1 On October 30, 2018, the District Court held a hearing on the Rigollet's  
2 Motion to Expunge Notice of Lis Pendens and erroneously held that case law does  
3 not exist in the State of Nevada regarding the issue of whether a plaintiff can record  
4 a lis pendens against real property that a plaintiff alleges to have been fraudulently  
5 transferred in order to secure assets for collection. (I AA241-245). This is an  
6 incorrect statement of Nevada law as this Court has directly addressed the issue.  
7 See Levinson v. Eighth Judicial Dist. Court, 109 Nev. 747, 750, 857 P.2d 18, 20-21  
8 (1993); Weddell v. H2O, Inc., 128 Nev. 94, 106, 271 P.3d 743, 751 (2012).  
9

10 On January 21, 2022, Tahican filed its own Motion to Expunge Lis Pendens  
11 and alerted Respondent Court and Real Parties in Interest that should the District  
12 Court not expunge the Lis Pendens that Tahican would seek writ relief because  
13 precedent was clear on the question. (II AA248-AA351). The District Court held  
14 a hearing on February 15, 2022 and denied Tahican's Motion and denied a stay of  
15 the litigation pending writ proceedings. (II AA403-AA436). On March 7, 2021,  
16 the District Court issued its Order Granting in Part and Denying in part Tahican's  
17 Motion to Expunge Lis Pendens Pursuant to NRS 14.015. (II AA437-AA449).  
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## 22 ARGUMENT

### 23 **I. WRIT RELIEF IS APPROPRIATE.**

24 This Court has original jurisdiction to consider this Petition for a writ of  
25 mandamus. NEV. CONST. ART. 6, § 4; Nevada Yellow Cab v. Eighth Judicial Dist.  
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1 Court, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007). "A writ of mandamus is available  
2 to compel the performance of an act which the law requires as a duty resulting from  
3 an office, trust or station, or to control a manifest abuse or an arbitrary or capricious  
4 exercise of discretion." Okada v. Eighth Judicial Dist. Court of Nev., 134 Nev. 6, 8,  
5 408 P.3d 566, 569 (2018). Mandamus is an extraordinary remedy, available only  
6 when there is no "plain, speedy and adequate remedy in the ordinary course of law."  
7 Id (citing NRS 34.170; D.R. Horton, Inc. v. Eighth Judicial Dist. Court, 123 Nev.  
8 468, 474, 168 P.3d 731, 736 (2007)).

11 Petitioner Tahican cannot appeal the district court's multiple decisions to not  
12 expunge the Lis Pendens because they do not constitute appealable orders. NRAP 4.  
13 Furthermore this Court has repeatedly held that the District Court's decision to  
14 refuse to grant a motion to expunge lis pendens leaves petitioners with no plain,  
15 speedy and adequate remedy in the ordinary course of law and thus are appropriate  
16 for writ relief. *See* Levinson v. Eighth Judicial Dist. Court, 109 Nev. 747, 752, 857  
17 P.2d 18, 21 (1993).

21 **II. THE DISTRICT COURT ERRED IN REFUSING MULTIPLE TIMES**  
22 **TO EXPUNGE THE LIS PENDENS.**

23 Real Party in Interest Joly and Respondent Court have both acknowledged  
24 that the instant matter is an effort to collect monies for Joly and raises no claims to  
25 entitlement of the Property. "In an action for the foreclosure of a mortgage upon real  
26 property, or affecting the title or possession of real property, the plaintiff, at the time  
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1 of filing the complaint...shall record with the recorder of the county in which the  
2 property, or some part thereof, is situated, a notice of the pendency of the action”.  
3 NRS 14.010. The plaintiff must through affidavits and other evidence establish “(a)  
4 the action affects the title or possession of the real property described in the notice;  
5 (b) the action was not brought in bad faith or for an improper motive; (c) the moving  
6 party will be able to perform any conditions precedent to receiving his relief  
7 affecting the title or possession of the real property; and (d) he would be injured by  
8 any transfer of an interest in the property to a third-party before the action is  
9 concluded.” NGA #2 Ltd. Liab. Co. v. Rains, 113 Nev. 1151, 946 P.2d 163 (1992).  
10 *See also* NRS 14.015(2). There must be some claim of entitlement to title or  
11 possession of the real property affected by the lis pendens. Levinson v. Eighth  
12 Judicial Dist. Court, 109 Nev. 747, 752, 857 P.2d 18, 21 (1993),. Joly made no  
13 claims that Joly is entitled to title or possession of the Property; instead Joly has  
14 made claims that the Property should be returned back to Bydoo so that upon entry  
15 of a judgment against Bydoo that Joly could Property to collect on any future  
16 judgment.

17  
18 The District Court erroneously held that “case law does not exist in the State  
19 of Nevada regarding this issue, when claims are made for fraudulent transfer under  
20 the Uniform Fraudulent Transfer Act, other jurisdictions have established that a lis  
21 pendens is proper.” (I AA245). The District Court later found that there is Nevada

1 law on this issue but still misconstrued the law finding that a fraudulent transfer  
2 claim does constitute a claim to title to real property. (II AA426–AA427 and II  
3 AA440). The District Court compounded its errors in finding that the purpose of a  
4 lis pendens is to put potential purchasers on notice of an action and that the property  
5 owner (Tahican) did not have to be a party to the Action for a lis pendens to be  
6 proper. (II AA426–AA427 ln5 and II AA440).  
7

8  
9 The Lis Pendens is and was clearly flawed. Joly recorded a Lis Pendens in  
10 April 2017 while (a) having no claims to title to the Property and (b) without Tahican  
11 being a party to the Action. (I AA024–AA040). Joly’s First Amended Complaint  
12 alleged six causes of action all related to the alleged payment due under the Purchase  
13 Agreement, none in which Joly claimed any title or interest in the Property. (I  
14 AA034–AA038). Tahican did not become a party to this case until eighteen months  
15 after the Lis Pendens was recorded. (I AA237–AA239). Once again the only claims  
16 against Tahican allege that Tahican received the Property as an asset of Bydoo  
17 against which Joly might be able to collect a judgment rendered against Bydoo.  
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21 During the February 2022 hearing, the District Court erroneously held that the  
22 only issue for the Court is to determine its validity of the purpose of the lis pendens.  
23 (II AA427 lns6–7 and II AA440). The District Court correctly mused that “[i]f it is  
24 simply to secure payment...then it would be improper.” (II AA427 and II AA440).  
25 However, the District Court erred in finding that if a plaintiff raises a fraudulent  
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1 transfer claim in order to secure monies, then “it really comes down to did the Court  
2 err in leaving the lis pendens in place, or would the Court be erring to continue  
3 leaving it in place, and that turns on whether there's a valid legal basis for the lis  
4 pendens to be there.” (II AA427). The District Court ruled that since Joly had alleged  
5 that the Subject Property was fraudulently transferred and should be returned to  
6 Bydoo for collection purposes, “the outcome of the case could affect the ultimate  
7 ownership of the property, [and] a lis pendens is proper to put people on constructive  
8 notice.” (II AA427 lns21–24 and II AA440).

11 This ruling misconstrued Nevada law and blatantly ignored clear precedent  
12 from this Court. The District Court erred in not requiring Joly to provide evidence  
13 showing that the Lis Pendens was proper. First Joly presented no affidavits or other  
14 evidence that the action is for the foreclosure of a mortgage upon the real property  
15 described in the notice or affects the title or possession of the real property described  
16 in the notice. NRS 14.015(2). Joly did not attach any affidavits to his Opposition to  
17 Second Motion to Expunge Lis Pendens. (II AA353–AA370). Neither were any  
18 witnesses called or sworn in during the February 15, 2022 hearing. (II AA402–  
19 AA436). Joly also failed to provide any evidence in his Plaintiff's Opposition to  
20 Defendant Rigollet's Motion to Expunge Notice of Lis Pendens (I AA096–AA145).  
21 Joly had the burden of proof and production to show that Joly had a claim to title to  
22 the Property. NRS 14.015. Not only did Joly present no evidence that Joly is entitled  
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1 to title or possession of the Property, Joly is not even claiming that Joly is entitled  
2 to title or possession of the Property. Joly has alleged that title to the Property should  
3 be restored back to Bydoo so that any monetary judgment that Joly gets against  
4 Bydoo can be secured by the Property.  
5

6 Nevada law and this Court's precedent are clear and unambiguous that the  
7 validity of a lis pendens centers exclusively on whether an action seeks to foreclose  
8 a mortgage or affects "the title or possession of real property". NRS 14.010(1). The  
9 dispute must involve title or possession of the real property in the lis pendens. NRS  
10 14.010(3). "[L]is pendens are not appropriate instruments for use in promoting  
11 recoveries in actions for personal or money judgments; rather, their office is to  
12 prevent the transfer or loss of real property which is the subject of dispute in the  
13 action that provides the basis for the lis pendens." Weddell v. H2O, Inc., 128 Nev.  
14 94, 106, 271 P.3d 743, 751 (2012) (quoting In re Bradshaw, 315 B.R. 875, 888  
15 (Bankr. D.Nev. 2004)). The Nevada Supreme Court has criticized the abuse of the  
16 lis pendens and favorably quoted a California case that concluded, "Overbroad  
17 definition of 'an action ... affecting the title or the right of possession of real  
18 property' would invite abuse of lis pendens." Levinson, 109 Nev. at 751, 857 P.2d  
19 at 20 (quoting Burger v. Superior Court of Santa Clara County, 151 Cal.App.3d  
20 1013, 199 Cal.Rptr. 227, 230 (1984)).  
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1 To repeat, lis pendens is not available to merely enforce a personal or  
2 money judgment. There must be some claim of entitlement to the real  
3 property affected by the lis pendens, a condition wholly absent in the  
case before us.

4 Levinson, 109 Nev. at 751, 857 P.2d at 20. "It is fundamental to the filing and  
5 recordation of a lis pendens that the action involve some legal interest in the  
6 challenged real property." Weddell at 106 (*quoting In re Bradshaw*, 315 B.R. 875,  
7 888 (Bankr. D. Nev. 2004). "[A]n action for money only, even if it relates in some  
8 way to specific real property, will not support a lis pendens." Id. The use of a lis  
9 pendens in fraudulent transfer action is not appropriate because the plaintiff has no  
10 claim to title to the real property and is instead attempting to create a de facto writ  
11 of attachment for plaintiff's claims for a money judgment. (II AA340-AA341).

12 The Nevada Supreme Court has repeatedly and clearly held that fraudulent  
13 transfer claims cannot support a lis pendens. In Levinson v. Eighth Judicial Dist.  
14 Court, cited *supra*, plaintiff Read was injured when she fell from a horse rented from  
15 a stable. Id. at 749, 857 P.2d at 19. Claiming that the stable had fraudulently  
16 transferred assets to Red Rock Riding Stables, plaintiff filed an action for *inter alia*  
17 fraudulent conveyance and constructive trust and recorded a lis pendens against Red  
18 Rock's property to have assets returned to judgment debtors. Id. Red Rock moved  
19 to expunge the lis pendens which was denied. Id.

20 The Nevada Supreme Court held that "lis pendens are not appropriate  
21 instruments for use in promoting recoveries in actions for personal or money  
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1 judgments; rather, their office is to prevent the transfer or loss of real property which  
2 is the subject of dispute in the action that provides the basis for the lis pendens.” Id.  
3 109 Nev. at 750, 857 P.2d at 20. The Court in Levinson made clear that it is one  
4 thing to say that there may be a colorable claim against real property and another to  
5 conclude that the claim is such as to affect the title or the right to possession of the  
6 property within the meaning of the lis pendens statute. Id. 109 Nev. at 751, 857 P.2d  
7 at 20 (quoting Burger v. Superior Court of Santa Clara County, 151 Cal.App.3d  
8 1013, 199 Cal.Rptr. 227, 230 (1984). The Court noted that the plaintiff was not  
9 asserting that Red Rock was the appropriate defendant but was instead “attempted  
10 to obtain what amounts to a prejudgment attachment on Levinsons' property through  
11 the guise of an action implicating a provisional lis pendens remedy.” Id. at 752, 857  
12 P. 2d at 21. The Court rejected precisely Joly’s argument which is the assertion that  
13 the Property is the only asset to satisfy plaintiff’s claim is sufficient to create a right  
14 to lis pendens. “To repeat, lis pendens is not available to merely enforce a personal  
15 or money judgment. There must be some claim of entitlement to the real property  
16 affected by the lis pendens, a condition wholly absent in the case before us” Id.

17  
18 Similarly in Weddell, cited *supra*, plaintiff Weddell entered into a business  
19 relationship with defendant Stewart for various businesses. Weddell 128 Nev. at 98,  
20 271 P.3d at 746. When the business relationship cratered and disputes over  
21 management and membership arose, Weddell filed suit and recorded a lis pendens  
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1 against real property owned by Stewart and one of Stewart's business entities Empire  
2 Geothermal Power. Weddell 128 Nev. at 97, 271 P.3d at 745 Defendants filed a  
3 motion to cancel the lis pendens under NRS 14.015, asserting that the action was for  
4 monetary damages and was not an action affecting the title or possession of real  
5 property as mandated by NRS 14.010. Id. Weddell asserted that the action involved  
6 real property because Weddell was entitled to 100 percent of the membership interest  
7 in Empire Geothermal, including Empire's assets. Id. at 99-100, 271 P.3d at 747.  
8

9  
10 This Court affirmed the cancellation of the lis pendens and said that  
11 membership interests in a business entity such as Le Macaron are personal property  
12 and cannot be the basis for a lis pendens. "It is fundamental to the filing and  
13 recordation of a lis pendens that the action involve some legal interest in the  
14 challenged real property." Weddell at 106 (quoting In re Bradshaw, 315 B.R. 875,  
15 888 (Bankr. D. Nev. 2004). This Court went on to note that business disputes are not  
16 of the type envisioned under NRS 14.010(1) and NRS 14.015(2)(a) because disputes  
17 over ownership interests in a business, as well as contract claims related thereto, do  
18 not directly involve real property. Id. at 106, 271 P.3d at 751.  
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21

22 Joly is even more distant from the Property than Weddell as Weddell at least  
23 asserted that Weddell was a member of the LLC that owned the Property. Joly has  
24 no any legal interest in the Subject Property or even any interest in Tahican as the  
25 owner of the Property. Instead Joly is asserting that Joly is owed monies by Bydoo  
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1 and that if Joly is successful in obtaining a money judgment against Bydoo that Joly  
2 should be allowed to execute as against the Property as an asset to be returned to  
3 Bydoo. The only bases that the District Court found for allowing the lis pendens  
4 was the fraudulent transfer claim that was expressly rejected in Levinson. (II  
5 AA427–AA428). The District Court manifestly abused its discretion and erred in  
6 ignoring the plain holdings of this Court and in finding that Joly’s claims for  
7 monetary damages against Bydoo could constitute a claim by Joly affecting title or  
8 possession of real property under NRS 14.015.  
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10

### 11 CONCLUSION

12  
13 Petitioner Tahican LLC has no plain, speedy and adequate remedy in the  
14 ordinary course of law and is entitled to a writ of mandamus directing the district  
15 court to expunge the lis pendens on petitioners' real property as Real Party in Interest  
16 Max Joly has not brought any claims against the Property. Petitioner Tahican LLC  
17 respectfully requests and is entitled to a Writ of Mandamus and direct the Eighth  
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1 Judicial District Court to enter an order to cancel and expunge Joly's Lis Pendens  
2 pursuant to NRS 14.015(5).

3 Dated this 9th day of March, 2022.

4 CORY READE DOWS & SHAFER

5  
6 By: /s/ R. Christopher Reade  
7 R. CHRISTOPHER READE, ESQ.  
8 Nevada Bar No. 006791  
9 P. ROWLAND GRAFF, ESQ.  
10 Nevada Bar No. 015050  
11 1333 North Buffalo Drive, Suite 210  
12 Las Vegas, Nevada 89128  
13 Telephone: (702) 794-4411  
14 Attorneys for Petitioner TAHICAN, LLC  
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1                                    **AFFIDAVIT/VERIFICATION PURSUANT TO NRAP 21**

2            I, P. Rowland Graff, Esq., declare under the penalty of perjury, that:

3            1.     I am an associate attorney at the Law Firm of Cory Reade Dows &  
4            Shafer, counsel for Petitioner TAHICAN LLC.

5  
6            2.     I have read and know the contents of this Petition for Writ of Mandamus  
7            and the facts stated therein.

8  
9            3.     This Petition states facts true of my own knowledge, except as to those  
10           matters stated on information and belief, and as to such matters, I believe them to be  
11           true.

12  
13           4.     I make this verification on behalf of Petitioner TAHICAN LLC.

14           5.     That the underlying matter is scheduled to proceed to trial on or before  
15           April 4<sup>th</sup>, 2022 which makes immediate relief necessary.

16  
17           6.     That the free vendability of land is being impaired by the instant Order  
18           Denying Motion to Expunge Lis Pendens which necessitates immediate relief in the  
19           same manner that NRS 14.015(2) states that such relief shall be heard within fifteen  
20           (15) days of petition.

21  
22           7.     That prior to filing the instant Petition that Petitioner has notified  
23           opposing counsel and the District Court that the instant Petition would be  
24           forthcoming, to wit that Petitioner notified the Eighth Judicial District Court in its  
25           January 21, 2022 Motion to Expunge and February 8<sup>th</sup>, 2022 Reply that should the  
26           January 21, 2022 Motion to Expunge and February 8<sup>th</sup>, 2022 Reply that should the

1 Court erroneously deny the Motion that Petitioner was seeking a stay of the matter  
2 pending seeking writ relief from this Court. Likewise Petitioner discussed this  
3 pending Writ with Real Parties in Interest and the Respondents at the February 15<sup>th</sup>,  
4 2022 Hearing and then again at the March 1<sup>st</sup>, 2022 Calendar Call.

6 8. That Petitioner has brought this Petition as soon as possible as the Order  
7 in question was first entered by the District Court on March 7<sup>th</sup>, 2022.

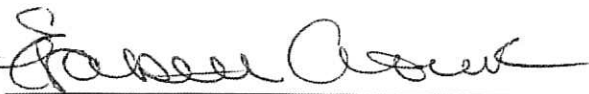
9 9. That Real Parties in Interest Le Macaron LLC and Bydoo LLC are also  
10 represented by Affiant and thus are not separately included in the Certificate of  
11 Service as said parties share commonality of counsel.

13 FURTHER YOUR AFFIANT SAYETH NAUGHT.

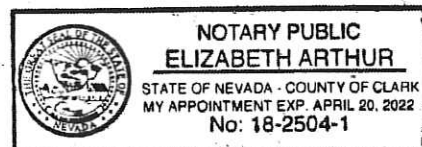
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17 P. ROWLAND GRAFF

18 Subscribed and Sworn to  
19 before me on this 8<sup>th</sup> day of March, 2022.

20 

21 Notary Public in and for  
22 Said County and State



## CERTIFICATE OF COMPLIANCE

1  
2 1. I hereby certify that this Petition complies with the formatting  
3 requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and  
4 the type style requirements of NRAP 32(a)(6) because this Opening Brief has been  
5 prepared in a proportionally spaced typeface using Microsoft Word in double spaced  
6 14-point Times New Roman typeface.  
7

8  
9 2. I further certify that this Petition complies with the page- or type-  
10 volume limitations of NRAP 21(d) because, excluding the parts of this Petition  
11 exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14  
12 points or more, and while it exceed 15 pages, it only contains 5100 words. Because  
13 it contains less than 7,000 words, the Petition complies with NRAP 21(d).  
14

15 3. Finally, I certify that I have read the foregoing brief and to my best  
16 knowledge, information and belief, the Petition is not frivolous or interposed for any  
17 improper purpose. I further certify that this brief complies with all applicable Nevada  
18 Rules of Appellate Procedure, in particular NRAP 28(e), which requires every  
19 assertion in the brief regarding matters in the record to be supported by a reference  
20 to the page of the transcript or appendix where the matter raised can be found.  
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1           4.     I understand that I may be subject to sanctions in the event that the  
2 accompanying brief is not in conformity with the requirements of the applicable  
3 Nevada Rules of Appellate Procedure.  
4

5           Dated this 9th day of March, 2022.

6                                   CORY READE DOWS & SHAFER  
7

8                                   By: /s/ R. Christopher Reade  
9                                   R. CHRISTOPHER READE, ESQ.  
10                                  Nevada Bar No. 006791  
11                                  P. ROWLAND GRAFF, ESQ.  
12                                  Nevada Bar No. 015050  
13                                  1333 North Buffalo Drive, Suite 210  
14                                  Las Vegas, Nevada 89128  
15                                  Telephone: (702) 794-4411  
16                                  Facsimile: (702) 794-4421  
17                                  creade@crdslaw.com  
18                                  Attorneys for Petitioner TAHICAN, LLC  
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**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25, I hereby certify that on the 9th day of March, 2022, a copy of the foregoing Petition for Writ of Mandamus was served (a) by First-Class United States Mail, postage fully prepaid, (b) hand-delivery and (c) through the Court's E-Flex System upon:

Honorable Kathleen E. Delaney  
EIGHTH JUDICIAL DISTRICT COURT  
Department 25  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

Jean Francois Rigollet  
2003 Smoketree Village  
Henderson, Nevada 89012  
Defendant Pro Se

Logan G. Wilson, Esq.  
JENNINGS & FULTON  
2580 Sorrel Street  
Las Vegas, Nevada 89146  
Attorneys for Plaintiff and Real Party  
in Interest Max Joly and Patricia Joly

R. Christopher Reade, Esq.  
Nevada Bar No. 006791  
CORY READE DOWS & SHAFER  
1333 North Buffalo Drive, Suite 210  
Las Vegas, Nevada 89128  
Attorneys for Real Parties in Interest Le  
Macaron LLC and Bydoo LLC

/s/ Elizabeth Arthur  
An Employee of CORY READE DOWS & SHAFER