IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDI LEE LYTLE; AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE TIMOTHY C. WILLIAMS, DISTRICT JUDGE,
Respondents,
and
SEPTEMBER TRUST, DATED MARCH 23, 1972; GERRY R. ZOBRIST AND JOLIN G. ZOBRIST, AS TRUSTEES OF THE GERRY R. ZOBRIST AND JOLIN G. ZOBRIST FAMILY TRUST; RAYNALDO G. SANDOVAL AND JULIE MARIE SANDOVAL GEGEN, AS TRUSTEES OF THE RAYNALDO G. AND EVELYN A. SANDOVAL JOINT LIVING AND DEVOLUTION TRUST DATED MAY 27, 1992; DENNIS A. GEGEN AND JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS; ROBERT Z. DISMAN; AND YVONNE A. DISMAN,
Real Parties in Interest.

No. 84538

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ANSWER OF REAL PARTIES IN INTEREST ROBERT Z. DISMAN AND YVONNE A. DISMAN TO PETITION FOR WRIT OF MANDAMUS OR, ALTERNATIVELY, PROHIBITION

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NRAP 26.1 DISCLOSURE

In accordance with NRAP 26.1, the undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Real Parties in Interest Robert Z. Disman And Yvonne A. Disman are individuals and not affiliated with any corporation.

The only law firm that has appeared or is expected to appear for Real Parties in Interest Robert Z. Disman And Yvonne A. Disman in the case is the Fidelity National Law Group, 8363 W. Sunset Road, Suite 120, Las Vegas, Nevada 89113.

DATED this 9th day of June, 2022.

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I. INTRODUCTION

This petition arises from Petitioners Trudi Lee Lytle and John Allen Lytle, Trustees of the Lytle Trust (the "Lytle Trust")'s latest prohibited attempt to enforce judgments that it obtained against its property owners association against the property owners and properties within its residential subdivision. More than four (4) years ago, the district court enjoined the Lytle Trust from doing so and from taking any action in the future against those property owners or their properties. The Lytle Trust undertook successive appeals of the injunctions to this Court, which is the proper method to voice its disagreement with the district court's orders. This Court ultimately affirmed the injunctions in their entirety.

However, rather than abide by the injunctions, the Lytle Trust took another route to enforce its judgments against the association against the property owners within the subdivision. It commenced an action in another department of the district court through which it obtained the appointment of a receiver to issue and collect a special assessment from the property owners to satisfy the judgments. Real Parties in Interest Robert Z. Disman and Yvonne A. Disman (collectively referred to herein as, the "Dismans"), property owners in the subdivision who have never been parties to any of the Lytle Trust's actions against the association, first learned of the receiver action when the receiver sent them correspondence asking

for ideas on how they propose to pay the Lytle Trust's judgments in the approximate amount of $1,481,822.00.

The district court determined the Lytle Trust's actions to be violative of its orders and properly held the Lytle Trust in contempt (the "Contempt Order") pursuant to a Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders ("Contempt Motion") filed by Real Parties in Interest September Trust, dated March 23, 1972; Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution Trust Dated May 27, 1992; and Dennis A. Gegen and Julie S. Gegen (collectively referred to herein as, the "September Trust Parties"). The Dismans joined in the Contempt Motion, and by virtue of the joinder and subsequent Contempt Order which granted not only the Contempt Motion but also the joinder, are proper parties to this petition.

II. JOINDER IN ANSWERING BRIEF

The Dismans join in (and adopt by reference as though fully set forth herein) the Answer of Real Parties in Interest September Trust Parties. Additionally, they provide the following Statement of Facts and Legal Argument regarding their role in the underlying case and the instant petition.

III. STATEMENT OF FACTS

A. The Rosemere Litigation I

The underlying case is but one of a series of cases instituted by the Lytle Trust regarding the Rosemere Estates Property Owners Association ("Rosemere Association" or "Association"). Over a decade ago, on or about June 26, 2009, the Lytle Trust filed a lawsuit against the Association in the Eighth Judicial District Court, Case No. A-09-593497-C, seeking, *inter alia*, a declaratory judgment that certain amended covenants, conditions and restrictions were not properly adopted by the Association and, therefore, void (the "Rosemere Litigation I"). 1 App. 170-91. On or about July 30, 2013, the district court granted summary judgment in the Lytle Trust's favor, and in an order prepared and submitted by the Lytle Trust's counsel, the court made the following material factual findings regarding the dispute. *Id.* at 193-204.

Specifically, the dispute involved Rosemere Estates ("Rosemere" or "subdivision"), a residential subdivision located in Clark County, Nevada, comprised of nine (9) lots. *Id.* at 194, ¶ 1. On January 4, 1994, Baughman & Turner Pension Trust (the "Developer"), then owner and subdivider of Rosemere, recorded a Declaration of Covenants, Conditions and Restrictions governing the subdivision ("Original CC&Rs"). *Id.*; *see also* 1 App. 165-168. The Original CC&Rs did not provide for a homeowners association as defined by NRS Chapter

116; instead, they called for the creation of a "property owners committee" with very limited maintenance duties over specific common area items. *Id.* at ¶¶ 2-3. The Developer then sold the Rosemere lots beginning in May 1994. *Id.* at ¶ 6. On November 6, 1996, John Allen Lytle and Trudi Lee Lytle purchased the Rosemere lot identified as APN: 163-03-313-009, which they later conveyed to the Lytle Trust. *Id.* at ¶¶ 8-9.

In 1997, two Rosemere property owners filed non-profit articles of incorporation to create the Rosemere Association. *Id.* at 195, ¶ 15. "The property owners recognized that the Association did not have powers granted to it other than those granted by the Original CC&Rs. For example, the Association ***had no power to assess***, fine, issue rules and regulations, or undertake other actions commonly reserved for homeowners' associations." *Id.* at ¶ 16 (emphasis added). Consequently, on July 3, 2007, the Association recorded an Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Rosemere ("Amended CC&Rs"). *Id.* at 198, ¶ 35. The Amended CC&Rs were not agreed to by all Rosemere property owners and they were far more restrictive than the Original CC&Rs. *Id.* at 197-98, ¶¶ 25-34.

Based these factual findings, the district court made the following legal determinations.

II. LEGAL DETERMINATIONS

. . . .

C. Rosemere Is A *Limited Purpose Association* Under NRS 116.1201 And Not A *Unit-Owners' Association* Within The Meaning Of NRS, Chapter 116.

7. In order to create a valid unit-owners' association, as defined by Chapter 116, certain formalities "must" be followed. NRS 116.3101 provides, in pertinent part.

> **Organization of unit-owners' association.**
>
> 1. A unit-owners' association must be organized no later than the date the first unit in the common-interest community is conveyed. . .

8. The purpose of [NRS 116.]3101 is to provide the purchaser record notice that he/she/it is purchasing a property that is governed by a homeowners association and will be bound by Chapter 116, *et seq.*

. . . .

11. Here, no Chapter 116 unit-owners' association was formed because no association was organized prior to the date the first unit was conveyed. The Association was not formed until February 25, 1997, more than three years after Rosemere Estates was formed and the Original CC&Rs were recorded.

. . . .

13. The Original CC&Rs provide for the creation of a "property owners committee," which is a "limited purpose association," as defined by the 1994 version of NRS 116.1201, then in effect. That provision provided that Chapter 116 did not apply to "Associations created for the limited purpose of maintaining … [t]he landscape of the common elements of a common interest community…."

Id. at 199-200. The court thus invalidated the Amended CC&Rs. *Id.* at 203, ¶ 25. It also awarded the Lytle Trust a monetary judgment against the Association, consisting of attorneys' fees and costs and other damages (the "Rosemere Judgment I"). *Id.* at 207-208.

On August 18, 2016, and purportedly relying upon NRS 116.3117,[1] the Lytle Trust caused to be recorded an abstract of the Rosemere Judgment I against all of the properties in Rosemere, aside from its own property. *See id.* On September 2, 2016, it caused to be recorded an abstract of the judgment against the property in Rosemere known as 1960 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-03-313-008 ("1960 Rosemere Court"). *Id.* at 69, ¶ 14. On September 2, 2016, it also caused to be recorded an abstract of the judgment against the property in Rosemere known as 1830 Rosemere Court, Las Vegas, Nevada 89117, Assessor's Parcel No. 163-03-313-002 ("1830 Rosemere Court"). *Id.* at ¶ 13. At the time, Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust

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[1] NRS 116.3117 provides in relevant part:

> 1. In a condominium or planned community: … a judgment for money against the association, if a copy of the docket or an abstract or copy of the judgment is recorded, is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of the other real property of the association and all of the units in the common-interest community at the time the judgment was entered. No other property of a unit's owner is subject to the claims of creditors of the association.

(the "Boulden Trust") was the owner of 1960 Rosemere Court, and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe Living Trust (the "Lamothe Trust") was the owner of 1830 Rosemere Court. *Id.* at 67, ¶¶ 1-2. Neither the Boulden Trust nor the Lamothe Trust were parties to Rosemere Litigation I. *Id.* at ¶ 6.

B. The Rosemere Litigation II

In 2010, the Lytle Trust filed another lawsuit against the Association in the Eighth Judicial District Court, Case No. A-10-631355-C (the "Rosemere Litigation II"). 3 App. 708, ¶ 18. On or about November 14, 2016, the district court granted summary judgment in favor of the Lytle Trust and against the Association, and on or about July 20, 2017, the court executed an abstract of judgment in the amount of $1,103,158.12 (the "Rosemere Judgment II"). *Id.* at ¶¶ 19-20.

C. The Rosemere Litigation III

On or about April 2, 2015, the Lytle Trust filed a third lawsuit against the Association, Sherman L. Kearl ("Kearl"), and Gerry G. Zobrist ("Zobrist") in the Eighth Judicial District Court, Case No. A-15-716420-C (the "Rosemere Litigation III"). *Id.* at ¶ 22. Thereafter, the Lytle Trust filed an errata to its complaint which removed Kearl and Zobrist as defendants. *Id.* The district court ultimately granted summary judgment in favor of the Lytle Trust and awarded it attorney's fees and costs (the "Rosemere Judgment III"). *Id.* at ¶ 23.

D. The Underlying Action

On December 8, 2016, the Boulden Trust and Lamothe Trust (at times collectively referred to herein as, the "Boulden Plaintiffs") commenced the underlying action against the Lytle Trust for slander of title, injunctive relief, quiet title, and declaratory relief with respect to its recording of abstracts of the Rosemere Judgment I against their properties. *Id.* at 725, ¶ 5. Thereafter, the Boulden Plaintiffs filed a motion for partial summary judgment, and or about April 26, 2017, the district court (Judge Timothy C. Williams)[2] issued an order ("April 2017 Order") granting the motion and setting forth the following legal conclusions.

CONCLUSIONS OF LAW

> 1. The Association is a "limited purpose association" as referenced in NRS 116.1201(2).
>
> 2. As a limited purpose association, NRS 116.3117 is not applicable to the Association.
>
> 3. As a result of the Rosemere LPA Litigation,[3] the Amended CC&Rs were judicially declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and have no force and effect and were declared void ab initio.

---

[2] The instant action was originally assigned to Eighth Judicial District Court, Department 16, subsequently reassigned to Department 18, and then reassigned once again to Department 16.

[3] The Rosemere Litigation I is referred to in the order as the Rosemere LPA Litigation.

> 4. The Plaintiffs were not parties to the Rosemere LPA Litigation.
>
> 5. The Plaintiffs were not "losing parties" in the Rosemere LPA Litigation as per Section 25 of the Original CC&Rs.
>
> 6. The Final Judgment in favor of the Defendants is not against, and is not an obligation of, the Plaintiffs.
>
> 7. The Final Judgment against the Association is not an obligation or debt owed by the Plaintiffs.

1 App. 8-9.

The court thus held that the Lytle Trust improperly clouded title to the Boulden Plaintiffs' properties by recording abstracts of the Rosemere Judgment I against them and that those abstracts of judgment should be released. *Id.* at 10-11. Further, the court ordered that the Lytle Trust is "permanently enjoined from recording and enforcing the Final Judgment from the Rosemere LPA Litigation or any abstracts related thereto against the Boulden Property or the Lamothe Property," and that it is "permanently enjoined from taking any action in the future against the Plaintiffs or their properties based upon the Rosemere LPA Litigation." *Id.* On July 25, 2017, the court issued an Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law ("July 2017 Order") which amended the April 2017 Order but retained the legal conclusions and injunctions set forth above. *See id.* at 66-72. The Lytle Trust appealed the July 2017 Order to this Court. *See* 4 App. 766-74.

Following the April 2017 Order, the Lytle Trust released its abstracts of the Rosemere I Judgment against the Boulden Plaintiffs' properties, but immediately recorded two lis pendens against those properties. 6 App. 1443, ¶ 4. The Lytle Trust refused to voluntarily expunge the lis pendens and the Boulden Trust and Lamothe Trust were forced to file a motion to expunge lis pendens. *Id.* The court summarily granted the motion and ordered the lis pendens to be stricken. *Id.* The court, however, did not hold the Lytle Trust in contempt. *Id.*

Around this time, the Lytle Trust advised the Boulden Plaintiffs of the Rosemere Judgment II that it had obtained against the Rosemere Association. 1 App. 58, ¶ 22. This prompted the Boulden Plaintiffs to file an amended complaint that sought to enjoin the Lytle Trust from recording or enforcing the Rosemere Judgment II against their properties. *See id.* at 55-63.

On or about August 4, 2017, the Boulden Trust sold 1960 Rosemere Court to the Dismans. *Id.* at 87, ¶ 3. On August 11, 2017, the Lytle Trust filed an answer to the Boulden Plaintiffs' amended complaint and a counterclaim against the Lamothe Trust and Dismans seeking a declaration that an abstract of the Rosemere Judgment II that the Lytle Trust recorded against the Rosemere Association can be recorded against the Lamothe Trust and Dismans' properties. *See id.* at 80-95. The Dismans were not parties to Rosemere Litigation I or II, and the only conduct that has ever been alleged against them is that they purchased 1960 Rosemere Court. *See id.*

E. The Consolidated Action

On November 30, 2017, the September Trust Parties filed a complaint against the Lytle Trust in the Eighth Judicial District Court, Case No. A-17-765372-C. *See* 6 App. 1443, ¶ 6. The complaint stated claims for quiet title and declaratory relief, and sought, *inter alia*, a declaration that the Lytle Trust cannot record or enforce the judgments that they obtained against the Rosemere Association against the September Trust Parties' properties in the subdivision. *See id.* Case No. A-17-765372-C was consolidated with the underlying action, *see id.*, and the September Trust Parties moved for summary judgment or judgment on the pleadings on their claims for relief. *See* 1 App. at 119-205, and 2 App. 251-361.

On or about May 24, 2018, the district court (Judge Mark B. Bailus) granted judgment in their favor and entered an order (the "May 2018 Order") based upon and almost identical to the July 2017 Order. *See* 3 App. 700-16. Specifically, the May 2017 Order provides in relevant part:

> **<u>CONCLUSIONS OF LAW</u>**
>
> 1. The Court's prior Order with respect to Boulden Trust's and Lamothe Trust's Motion for Partial Summary Judgment, Case No. A-16-747900-C, is the law of the case, to the extent applicable to Plaintiffs' claims.
>
> 2. The Association is a "limited purpose association" as referenced in NRS 116.1201(2).

> 3. As a limited purpose association, NRS 116.3117 is not applicable to the Association.
>
> 4. As a result of the Rosemere Litigation I, the Amended CC&Rs were judicially declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and have no force and effect and were declared void ab initio.
>
> 5. The Plaintiffs were not parties to the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.
>
> . . . .
>
> 8. Rosemere Judgments I, II and III are against the Association and are not an obligation or debt owed by the Plaintiffs to the Lytle Trust.

Id. at 709-710.

The court thus held that the Lytle Trust improperly clouded title to the September Trust Parties' properties by recording abstracts of the Rosemere Judgment I against them, that those abstracts of judgment should be expunged and stricken from the record, and that the Lytle Trust is permanently enjoined from recording and enforcing any of the judgments that it obtained in the Rosemere Litigation I, II, or III against the September Trust Parties' properties. *Id.* at 711-12.

On or about June 28, 2018, the Dismans moved for summary judgment or judgment on the pleadings against the Lytle Trust on the basis that the July 2017 Order regarding the Rosemere Judgment I rendered the Lytle Trust's Counterclaim against the Dismans regarding the Rosemere Judgment II unsustainable. *See id.* at 726, ¶¶ 12-13. On or about December 27, 2018, the district court (Judge Mark B.

Bailus) denied the Dismans' motion as moot, holding that the July 2017 Order encompasses the Lytle Trust's Counterclaim and prevents the Lytle Trust from recording an abstract of the Rosemere Judgment II against the Dismans' property. *See id.* at 719-27.

In the meantime, on or about December 4, 2018, this Court affirmed the July 2017 Order in its entirety. 4 App. 766-74. Thereafter, on or about March 2, 2020, the Court affirmed the May 2018 Order in its entirety. *Id.* at 834-41.

F. The Receiver Action

On June 8, 2018, the Lytle Trust commenced an action in another department of the Eighth Judicial District Court, Case No. A-18-775843-C, in an effort to enforce its judgments against the Association against the property owners in the subdivision (the "Receiver Action"). 6 App. 1445, ¶ 11. Through the Receiver Action, the Lytle Trust obtained the appointment of a receiver over the Association to, among other things, "[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle Trust's judgments against the Association." *Id.* at 1447, ¶ 17.

On or around January 22, 2020, the September Trust Parties and the Dismans each received a letter from the receiver stating that "[t]he appointment of the receivership is predicated on judgments against the HOA in the approximate amount of $1,481,822.00 by the Lytle family ("the Plaintiff")…. These judgments

need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments…. We would like to meet with title holding members of the HOA…[to] share three ideas we have to pay these judgments." *Id.* at 1448, ¶ 18.

On March 4, 2020, the September Trust Parties filed the Contempt Motion. *See* 3 App. 736-50, and 4 App. 751-841. On March 6, 2020, the Dismans filed a joinder in the motion. *See* 4 App. 842-44. On May 22, 2020, the district court entered the Contempt Order granting the motion and the Dismans' joinder thereto. *See* 6 App. 1437-53.

IV. LEGAL ARGUMENT

Rule 2.20(d) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada ("EDCR") authorizes a nonmoving party to file a written joinder to a motion within 7 days after service of the motion. A joinder is treated as "its own stand-alone motion" such that the court may proceed to consider the joinder even if the principal "motion becomes moot or is withdrawn by the movant." *Id.* EDCR 2.20(e) goes on to provide that "[w]ithin 14 days after the service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of nonopposition or opposition thereto … stating facts showing why the motion and/or joinder should be denied." "Failure of the opposing party to serve and file written opposition may be construed

as an admission that the motion and/or joinder is meritorious and a consent to granting the same." *Id.*

Here, the September Trust Parties filed the Contempt Motion on March 4, 2020. *See* 3 App. 736-50, and 4 App. 751-841. Because the Dismans are similarly-situated to the September Trust Parties and all of the arguments raised in the Contempt motion are equally applicable to the Dismans, the Dismans filed a joinder to the motion on March 6, 2020, expressly adopting those arguments. *See* 4 App. 842-44. The joinder was filed well within the timeframe provided in EDCR 2.20(d), and although the Lytle Trust filed an opposition to the Contempt Motion, it did not file an opposition to the joinder. *See id.* at 845-1000, and 5 App. 1001-39. Moreover, its opposition to the motion does not challenge the Dismans' joinder to the motion. *See id.* Nonetheless, the Lytle Trust now argues in footnotes 1 and 6 of its Petition that the Dismans have no standing here because the Contempt Motion and resulting Contempt Order did not address a violation of the July 2017 Order which pertains to the Dismans' property.

This argument is untenable. While the Contempt Motion addresses a violation of the May 2018 Order, it also addresses the July 2017 Order which is the law of the case, which formed the basis for the May 2018 Order, and which is nearly identical to the May 2018 Order. *See* 3 App. 740-41. Specifically, the May 2018 Order provides: "The Court's prior Order with respect to Boulden Trust's and

Lamothe Trust's Motion for Partial Summary Judgment, Case No. A-16-747900-C, is the law of the case, to the extent applicable to Plaintiffs' claims." *Id.* at 709, ¶ 1. The order then goes on to restate the key components of the July 2017 Order. *Id.* at 703-716. Consequently, the Lytle Trust's violation of the May 2018 Order necessarily involves a violation of the July 2017 Order, which is the law of the case. That is why the Dismans joined in the Contempt Motion rather than burden the court with a duplicate motion.

Indeed, the resulting Contempt Order expressly details and ***incorporates by reference*** the July 2017 Order, and notes the Lytle Trust's history of violating that order. 6 App. 1442, ¶¶ 1-2; 1443, ¶¶ 3-4; 1448, ¶ 1. It provides:

> This case has a history, such as the filing of the lis pendens against the Boulden Trust and Lamothe Trust properties after the Court had ordered the expungement of the Abstracts of Judgment and continued enforcement of the Abstracts of Judgment against the September Trust, Zobrist Trust, Sandoval Trust, and Gegens' properties after entry of the July 2017 Order, that demonstrates that the Lytle Trust does not respect this Court's Orders.

Id. at 1448, ¶ 1. Pursuant to its "inherent power to enforce its decrees, orders and judgments," *id.* at 1449, ¶ 2, the court held as follows with respect to both the September Trust Parties and the Dismans:

> 11. … the Lytle Trust has no judgment creditor rights to try to collect the Rosemere Judgments from the Plaintiffs or Dismans in any way, shape, or form.

> IT IS HEREBY ORDERED ADJUDGED AND DECREED that Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, as well as the Joinders thereto filed by the Boulden Trust, the Lamothe Trust, and the Dismans, are GRANTED.

Id. at 1449, ¶ 11; 1451. As such, the Contempt Motion and resulting Contempt Order addresses not only the Lytles Trust's violation of the May 2018 Order, but also the law of the case as contained in the July 2017 Order and the May 2018 Order. By virtue of the Disman's joinder and the Contempt Order, which specifically includes and applies to the Dismans, they have standing to participate in this petition. *See*, *e.g.*, *Commonwealth Energy Corp. v. Inv. Data Exch., Inc.*, 110 Cal. App. 4th 26, 31 n. 3, 1 Cal. Rptr. 3d 390, 392 n. 3 (2003) (holding that a joining party did have standing to appeal, even though it had not filed its own moving papers, because the joining party was bound by the trial court's order ruling on the underlying motion).

/ / /

/ / /

/ / /

V. CONCLUSION

Based upon the foregoing, the Dismans respectfully request this Court to affirm the Contempt Order of the district court in its entirety.

DATED this 9th day of June, 2022.

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that the Answer of Real Parties in Interest Robert Z. Disman and Yvonne A. Disman to Petition for Writ of Mandamus or, Alternatively, Prohibition complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

[X] The brief has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in size 14 font, Times New Roman; or

[ ] The brief has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page or type-volume limitations of NRAP 21(d) because it is either:

[X] Proportionally spaced, has the typeface of 14 points and contains 4,386 words; or

[ ] Monospaced, has 650 lines or fewer of text; or

[ ] Does not exceed 15 pages.

3. Finally, I hereby certify that I have read this brief and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable

Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 9th day of June, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the 9th day of June 2022, I submitted the foregoing **ANSWER OF REAL PARTIES IN INTEREST ROBERT Z. DISMAN AND YVONNE A. DISMAN TO PETITION FOR WRIT OF MANDAMUS OR, ALTERNATIVELY, PROHIBITION** for filing and service through the Court's eFlex electronic filing service. According to the system, electronic notification will automatically be sent to the following:

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DATED: 06/09/2022 *\/s/ Lace Engelman*
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