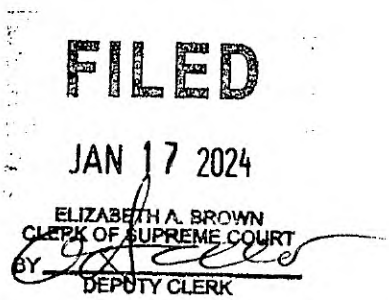
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESUS LUIS AREVALO,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE CHARLES J. HOSKIN, DISTRICT JUDGE,
Respondents,
and
CATHERINE MARIE AREVALO, A/K/A CATHERINE MARIE DELAO,
Real Party in Interest.

No. 86607-COA



ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

Jesus Luis Arevalo petitions this court for a writ of mandamus and/or prohibition challenging an order declaring him a vexatious litigant, an amended qualified domestic relations order, and a later order holding him in contempt for failing to comply with the terms of that order.

Jesus and real party in interest Catherine Marie DeLao were divorced in 2013, and, as part of that decree, the parties stipulated that Jesus would obtain a life insurance policy naming Catherine as the beneficiary in lieu of her survivor benefits in his PERS retirement account. Shortly thereafter, however, Jesus sought and ultimately obtained total disability benefits due to a workplace incident and retired from service at the Las Vegas Metropolitan Police Department. Jesus never obtained the stipulated life insurance policy, which resulted in the litigation and appeal in Docket No. 81359-COA, filed in this court in June 2020. In resolving that appeal, this court entered an Order Affirming in Part, Reversing in Part,

Dismissing in Part, and Remanding, wherein we remanded this matter for determination of whether Catherine's claims related to the life insurance policy were barred by the statute of limitations, and, if not, to determine the value of that policy. *See Arevalo v. Arevalo*, No. 81359-COA, 2021 WL 1208632, at *4 (Nev. Ct. App. March 30, 2021) (Order Affirming in Part, Reversing in Part, Dismissing in Part, and Remanding).

Meanwhile, the district court held a hearing on Catherine's motion to declare Jesus a vexatious litigant filed during the pendency of the prior appeal. Following the entry of this court's order resolving Arevalo's appeal, on remand, the district court entered an order declaring Jesus to be a vexatious litigant and requiring "[a]ll of Jesus's requests for relief (in the form of documents submitted to the court in any form) must be submitted to chambers for approval or disapproval prior to them being filed, and prior to requiring Catherine to respond."

After entry of the vexatious litigant order, the district court held the further proceedings directed by this court on remand, determining that the claims related to the life insurance policy were not barred by the statute of limitations and that the value of that policy (based upon actuarial calculations submitted by Catherine) totaled $201,751. Jesus again failed to abide by the district court's order, and Catherine filed another motion for an order to show cause.

In this motion, Catherine's attorney noted that Jesus had not only failed to provide Catherine with her community interest in the PERS benefits from 2014 to 2020, when the parties obtained the initial QDRO, and obtain the stipulated life insurance policy, but also failed to pay arrears on some of their minor child's medical bills and previously awarded attorney fees/sanctions. Accordingly, Catherine requested that the court approve

and enter an "indemnification QDRO," which, among other things, amended the parties' previous QDRO and directed PERS to pay "100% of [Jesus'] benefit minus $10" to Catherine until the unpaid judgments were satisfied or until further order of the court. Catherine's attorney also requested that "$500 of this amount [ ] go toward the cost of the life insurance policy with all remaining sums going towards the arrearages." Jesus objected, arguing among other things that his disability income is not subject to garnishment and was his only source of income he used to support his wife, three minor children, and his and Catherine's child during his parenting time. Further, Jesus argued that he was unable to obtain a life insurance policy due to his disability status notwithstanding the parties' prior agreement.

Ultimately, the district court granted Catherine's motion over Jesus' objection and entered the proposed indemnification QDRO, which expressly provided that Jesus would make payments of the full amount of his PERS benefit directly to Catherine if he takes an action that decreases or limits her collection of the PERS benefits. Subsequently, Jesus obtained other employment, which he argued was necessary to support his family, without first seeking approval from the PERS Board under NRS 286.650(2), causing PERS to cease paying his disability and retirement benefits.[1]

Accordingly, Catherine thereafter filed a motion for an order to show cause, requesting that the district court hold Jesus in contempt for preventing her collection of his PERS benefits under the indemnification QDRO. Following several continuations and briefing, Catherine later filed

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[1]In the proceedings below Jesus argued that it would have been impossible to follow this procedure and obtain leave from PERS without leaving his family destitute for several months. While we need not address this argument given our disposition, we instruct the district court to consider this circumstance in further proceedings upon remand.

a "motion for incarceration," arguing that a monetary sanction would not be sufficient to get Jesus to comply with the court's orders, and that incarceration was the only remaining option. The district court agreed but determined that it would need to appoint counsel for Jesus prior to the incarceration hearing.

On February 28, 2023, the district court entered its "Order Appointing Counsel and Waving All District Court Fees," drafted by Jesus' appointed counsel, Christopher Tillman. By admission of Jesus and Tillman, it appears that Tillman did not have any contact with or file any opposition on Jesus' behalf prior to the contempt hearing. Instead, Jesus called Tillman's office, where the receptionist informed him that Tillman was on vacation and would not return until the scheduled hearing on March 23, 2023. Jesus filed his own opposition. At the hearing, Tillman asked that the court allow him to withdraw, stating that he was unprepared to represent Jesus due to his vacation, and that Jesus had "alienated" his staff, causing an unworkable attorney-client relationship.

Jesus agreed to let Tillman withdraw, but throughout the contempt hearing contended that he was not satisfied with the lack of representation and felt that his Sixth and Fourteenth Amendment rights were violated. And although Jesus was able to present some limited argument at the hearing, the court struck his written opposition to the motion as a fugitive document filed without express permission under the vexatious litigant order. Ultimately, the court entered an "Order After the March 23, 2023 Hearing" finding Jesus in contempt and that Jesus' refusal to reinstate Catherine's PERS benefits resulted in at least six violations of the terms of the indemnification QDRO. The court determined that Jesus would serve 25 days in jail for each violation (totaling 150 days) and pay

Catherine the arrears accumulated during that time as the penalty for his contempt. However, the court provided that Jesus may purge his contempt and avoid these consequences by reinstating Catherine's PERS benefits by April 20, 2023. Jesus thereafter filed the instant writ petition with this court.

A writ of mandamus is available to compel a district court to perform an act the law requires or to control a manifest abuse or arbitrary or capricious exercise of discretion. NRS 34.160; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011); *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus relief is available only if a petitioner lacks a plain, speedy, and adequate legal remedy. NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. A manifest abuse of discretion occurs when there is a clearly erroneous interpretation or application of the law, and "[a]n arbitrary or capricious exercise of discretion is one founded on prejudice or preference rather than on reason, or contrary to the evidence or established rules of law." *Armstrong*, 127 Nev. at 931-32, 267 P.3d at 780 (internal quotation marks and citations omitted).

In his petition, Jesus argues that writ relief is appropriate on the following grounds: (1) that the district court abused its discretion when declaring him a vexatious litigant; (2) that the district court abused its discretion when entering the indemnification QDRO; and (3) that the district court abused its discretion when it held him in contempt. Having reviewed Jesus' petition and reply, Catherine's answer, and the supporting documents provided for the court in this matter, we conclude that our extraordinary intervention is warranted and grant Jesus' petition for a writ of mandamus.

The district court manifestly abused its discretion by declaring petitioner a vexatious litigant

We first address the district court's May 19, 2021, order declaring Jesus a vexatious litigant. In his petition and reply before this court, Jesus argues that the district court's vexatious litigant order has impeded his ability to oppose Catherine's filings in court, and, as discussed in the context of the contempt hearing below, resulted in the deprivation of his due process rights. In her answering brief, Catherine generally alleges that any such challenge to the district court's prior orders should be disregarded as untimely. But "[t]he decision to entertain a petition for a writ of mandamus is within our sole discretion," *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev. 104, 106, 506 P.3d 334, 337 (2022), and because Catherine failed to demonstrate that she would be prejudiced by our review of the vexatious litigant order we choose to do so here.[2]

"[W]rit relief is the appropriate vehicle to review vexatious litigant orders because review of such orders will involve whether the district court manifestly abused its discretion, such as where the district court fails to follow the clearly established procedures for imposing a vexatious litigant order." *Peck v. Crouser*, 129 Nev. 120, 124, 295 P.3d 586, 588 (2013).

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[2]We decline to apply the doctrine of laches because it does not appear that Jesus' delay in challenging the vexatious litigant order prejudiced Catherine or resulted from inexcusable delay or acquiescence. *See Buckholt v. Second Judicial Dist. Court*, 94 Nev. 631, 633, 584 P.2d 672, 673-74 (1978) (outlining the relevant factors for determining whether to apply laches), *overruled on other grounds by Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *see also Widdis v. Second Judicial Dist. Court*, 114 Nev. 1224, 1227-28, 968 P.2d 1165, 1167 (1998) (recognizing that "there is no specific time limit delineating when a [writ petition] must be filed").

A litigant's "right of access to the courts is a fundamental right protected by the Constitution." *Delew v. Wagner*, 143 F.3d 1219, 1222 (9th Cir. 1998); *see also Christopher v. Harbury*, 536 U.S. 403, 415 n. 12 (2002) (noting that the Supreme Court has located the court access right in the Article IV Privileges and Immunities clause, the First Amendment petition clause, the Fifth Amendment due process clause, and the Fourteenth Amendment equal protection and due process clauses of the United States Constitution). Nevertheless, Nevada courts "possess inherent powers of equity and of control over the exercise of their jurisdiction," and may, under appropriate circumstances, use these powers to "permanently restrict a litigant's right of to access the courts." *See Jordan v. State, Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 59, 110 P.3d 30, 41-42 (2005), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228 n.6, 181 P.3d 670, 672 n.6 (2008).

In *Jordan*, our supreme court set forth the following four-factor analysis district courts must utilize when determining whether to enter an order restricting a vexatious litigant's access to the courts: (1) the litigant must be afforded reasonable notice and an opportunity to oppose such an order; (2) the district court must create an adequate record for review by setting forth a list of all the cases and documents, or an explanation of the reasons, that warrant entering a restrictive order to curb repetitive or abusive litigation; (3) the district court must make substantive findings regarding the frivolous or harassing nature of the litigant's actions; and (4) the order must be narrowly tailored to address the specific problem at hand. *Id.* at 60-62, 110 P.3d at 42-44.

Our review of the district court's vexatious litigant order in this matter reveals that it is facially deficient under *Jordan*. Here, the court

provided Jesus with notice and an opportunity to oppose the entry of the vexatious litigant order, and described some of the conduct it found vexatious, but failed to analyze the remaining *Jordan* factors, including issuing substantive findings regarding the frivolous or harassing nature of the litigant's actions[3] or explaining how its prefiling restriction is narrowly tailored to address the specific problem at hand. *Id.* at 60-62, 110 P.3d at 42-44. Accordingly, the vexatious litigant order issued in this case not only fails to establish the nature of Jesus' allegedly vexatious actions, but also fails to establish boundaries designed to protect a litigant's right of access to the courts. *See, e.g., id.* at 63-64, 110 P.3d at 45 (holding that orders failing to include any standard against which a future court-access determination should be made and instead entering blanket prohibitions on new filings are "unconstitutionally overbroad"); *De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990) (concluding that a similar vexatious litigant order preventing the litigant "from filing any further action or papers in this court without first obtaining leave of the general duty judge of this court" was not narrowly tailored). Because the district court failed to "follow the clearly established procedures for imposing a vexatious litigant order," we

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[3]We conclude that the court's finding that "[t]he frivolous and harassing nature of the ongoing and continuous requests for relief that have either already been resolved by the Court, or have been resolved by the Court and are currently pending on appeal," without additional explanation, does not qualify as a "substantive finding" under *Jordan*. *See Jordan*, 121 Nev. at 61, 110 P.3d at 43 (holding that a vexatious litigant order "cannot issue merely upon a showing of litigiousness" and that the "litigant's filings must not only be repetitive or abusive, but also be without an arguable factual or legal basis, or filed with the intent to harass" (internal quotation marks omitted)).

conclude that the vexatious litigant order entered in this case is unconstitutionally overbroad. *Peck*, 129 Nev. at 124, 295 P.3d at 588.[4]

Moreover, the district court's failure to narrowly tailor its vexatious litigant order is highlighted here where it used the order to strike Jesus' written opposition to Catherine's order to show cause, which then permitted the district court to hold him in contempt and order his incarceration. While the restrictions imposed by a vexatious litigant order may include prohibiting the litigant from filing future actions against a particular party or asserting repetitive claims for relief without first demonstrating to the court that the proposed case is not frivolous, *Peck*, 129 Nev. at 123, 295 P.3d at 587, the restrictive order must nonetheless be narrowly tailored to protect the litigant's fundamental right of access to the courts and cannot be used to prevent the litigant from filing any written opposition to a motion filed against them. *See Jordan,* 121 Nev. at 60-62, 110 P.3d at 42-44; *Delew*, 143 F.3d at 1222; *De Long*, 912 F.2d at 1148.

Further, as discussed in greater detail *infra*, by denying Jesus an opportunity to oppose Catherine's order to show cause, the district court's actions here violated Jesus' due process rights, deprived him of a fair hearing during the contempt proceedings, and constitute a manifest abuse of discretion. *See Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 680-81, 476 P.3d 1194, 1196-97 (2020) (defining a manifest abuse of discretion and holding that mandamus relief "is available only where the law is overridden or misapplied, or when the judgment exercised is manifestly

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[4]Nonetheless, nothing in this order should be construed as prohibiting the district court from imposing any sanctions it deems necessary after following the proper procedural safeguards.

unreasonable or the result of partiality, prejudice, bias or ill will" (internal quotation marks omitted)).

The district court manifestly abused its discretion when entering the indemnification QDRO

Next, Jesus presents two challenges to the district court's order granting the amended "indemnification QDRO." First, Jesus argues that the district court abused its discretion by improperly allowing his disability retirement benefits under PERS to be distributed through the QDRO. Second, Jesus argues that the provisions of the indemnification QDRO, which directed PERS to provide Catherine with the entirety of his disability benefit minus $10, is a manifest abuse of discretion. Catherine contends that the issue of her access to Jesus' PERS retirement benefits has been decided as a matter of law, and that, because the QDRO is appropriate under PERS regulations, the district court did not abuse its discretion in subsequently entering the indemnification QDRO.

We conclude that writ review is appropriate as Jesus does not have a plain, speedy, or adequate legal remedy available to him to address the district court's order. *See* NRS 34.170; *see also Arevalo v. Arevalo*, Docket No. 85169, 2022 WL 14286207 (Nev. October 24, 2022) (Order Dismissing Appeal) (dismissing an appeal from the indemnification QDRO on grounds that it is not an appealable order). The record before us demonstrates that the district court granted Catherine's request for an indemnification QDRO based upon Catherine's allegations that Jesus owed her approximately $48,357.45 for unpaid attorney fees, sanctions, and PERS pension arrears, which also included approximately $349.08 in medical expenses for the parties' minor child, and with $500 a month of that payment going towards an indemnification fund for Catherine due to Jesus' failure to obtain the life insurance policy.

Further, we disagree with Catherine's contention that the issue of the indemnification QDRO has already been determined by this court's prior order. While our prior order determined that Catherine is entitled to enforce the award of her community share of Jesus' PERS benefits under the divorce decree (to the extent that those payments are not barred by the statute of limitations), *Arevalo*, No. 81359, 2021 WL 1208632, at *3, the district court did not enter the indemnification QDRO at issue in this writ petition until July 27, 2022—over a year after entry of this court's previous order. Accordingly, other than permitting Catherine to enforce her share of the PERS benefits not barred by the statute of limitations, our order resolving the prior appeal in this matter has no preclusive effect on the subsequently entered indemnification QDRO. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008).

Turning to the merits of Jesus' arguments, Jesus argues that the district court abused its discretion when it allowed his disability benefits to be distributed through the indemnification QDRO. As relevant here, NRS 286.670 recognizes that—with the exception of money withheld for the support of a child under NRS 31A.150 and judgments, decrees or orders relating to "child support, alimony or the disposition of community property" submitted under NRS 286.6703—"the right of a person to any [ ] right accrued or accruing to any person under" PERS is "[n]ot subject to execution, garnishment, attachment *or any other process*." NRS 286.670(1)(b) (emphasis added); *see also* NRS 21.090(1)(ii) (exempting [b]enefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670" from execution).

In this case, Catherine's order to show cause requested an indemnification QDRO directing PERS to provide her with 100 percent

minus $10 a month of Jesus' benefit as an enforcement mechanism for prior attorney fee awards, sanctions, PERS pension arrears, medical payments for the parties' minor child, as well as providing Catherine with approximately $500 a month to indemnify her in light of Jesus' failure to obtain the life insurance policy.

As an initial matter, we observe that neither the indemnification QDRO, the order from the hearing held November 3, 2021, (referenced in the indemnification QDRO), nor the order from the June 22, 2022, hearing authorizing the entry of the indemnification QDRO identified what the additional garnished funds would be used for (whether for child support or Catherine's counsel's attorney fees) or the total amount owed under these prior orders. We conclude that the district court's lack of findings on this issue constitutes an abuse of discretion. *Cf. Jitnan v. Oliver*, 127 Nev. 424, 433, 254 P.3d 623, 629 (2011) ("Without an explanation of the reasons or bases for a district court's decision, meaningful appellate review, even a deferential one, is hampered because we are left to mere speculation."); *see also Walker*, 136 Nev. at 680-81, 476 P.3d at 1196-97.

Moreover, to the extent that the district court's indemnification QDRO acts as an enforcement mechanism for Catherine to recover prior awards of attorney fees, indemnify herself for Jesus' failure to obtain a life insurance policy—to the extent that the policy is not community property,[5]

[5]As neither party presents arguments related to the community or separate property nature of the life insurance policy, we need not address this issue. However, on remand, the district court will need to make findings, if necessary, as to whether the life insurance policy constitutes an award of community property. In so doing, the district court may need to consider Jesus' assertions regarding the impossibility of obtaining a life

or for the court to recover previously unpaid sanctions, we conclude that these uses go beyond the scope of what is permitted under the limited exceptions to NRS 286.670, as these sums were not collected for child support, nor do they relate to an order for child support, alimony or community property. *See* NRS 286.670(1)(b). Therefore, because the district court's order allowed PERS disability payments to be used as an enforcement mechanism for debts not permitted by the statute, the district court exceeded its statutory authority, constituting a manifest abuse of discretion. *See Walker*, 136 Nev. at 680-81, 476 P.3d at 1196-97.

Turning to Jesus' challenge as to the amount of the QDRO, we similarly conclude that the district court manifestly abused its discretion when it entered the indemnification QDRO allowing Catherine to receive all of Jesus' monthly benefits minus $10. In so doing, we acknowledge the district court and Catherine's frustrations in attempting to get a recalcitrant Jesus to not only abide by the terms of several district court orders and his original settlement, but also to make payments on prior attorney fee and sanction awards.

Nevertheless, Jesus' financial disclosure form (signed under penalty of perjury) from the month prior to the entry of the indemnification QDRO indicates that he is 100 percent disabled, that his PERS disability retirement payments were his only source of income, and that he resided with his wife (who does not appear to contribute to household expenses), his three minor children from that marriage, and, during his parenting time, the minor child from his marriage to Catherine. Under these

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insurance policy upon remand. *See, e.g., Cashman Equip. Co. v. W. Edna Assocs., Ltd.*, 132 Nev. 689, 701, 380 P.3d 844, 852 (2016) (discussing the defense of impossibility in Nevada).

circumstances, we conclude that it was a manifest abuse of discretion for the district court to effectively reduce Jesus' sole source of income to $10 a month without considering his total disposable income. *See Walker*, 136 Nev. at 680-81, 476 P.3d at 1196-97; *see also, e.g.*, NRS 31.295 (providing guidelines as to the maximum amount of disposable earnings subject to garnishment).[6]

The district court manifestly abused its discretion when holding petitioner in contempt

We now turn to Jesus' argument that the district court violated his due process rights when holding him in contempt for violating the terms of the indemnification QDRO. A writ petition is the appropriate vehicle of review for a contempt order. *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000). "While courts have inherent power to protect and defend their decrees by contempt proceedings . . . they are nevertheless bound by statute." *See Awad v. Wright*, 106 Nev. 407, 409, 794 P.2d 713, 714-15 (1990) (internal citation and quotation marks omitted), *abrogated on other grounds by Pengilly*, 116 Nev. at 649, 5 P.3d at 571.

The distinction between civil and criminal contempt is vital to the determination of the rights and remedies that the court affords to the contemnor, as criminal contempt proceedings, which are punitive and designed to preserve the dignity and authority of the court, entitle the contemnor to many of the procedural safeguards associated with a criminal trial. *See Warner v. Second Judicial Dist. Court*, 111 Nev. 1379, 1382-83,

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[6]Although the indemnification QDRO cannot be used as an enforcement mechanism for all of Catherine's alleged arrears and judgments, nothing in this order should be construed to preclude her from utilizing other methods of recovery available to her in law or in equity.

906 P.2d 707, 709 (1995) (defining criminal contempt); *see also Lewis v. Lewis*, 132 Nev. 453, 458, 373 P.3d 878, 881 (2016) (holding that because a district court's contempt order was criminal in nature, appellant's "Sixth Amendment right to counsel was violated when the contempt order was entered after proceedings in which he was not represented by counsel"); *City Council of Reno v. Reno Newspapers, Inc.*, 105 Nev. 886, 893, 784 P.2d 974, 979 (1989) (applying the beyond-a-reasonable-doubt standard of proof to criminal contempt proceedings). On the other hand, civil contempt proceedings are remedial in nature and are "intended to benefit a party by coercing or compelling the contemnor's future compliance, not punishing them for past bad acts." *Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 805, 102 P.3d 41, 46 (2004). For this reason, civil contempt proceedings generally "do not require extensive procedural protections or due process safeguards, beyond basic due process, since a civil contemnor may purge the contempt and be absolved of the civil contempt sanction." 17 C.J.S *Contempt* § 89 (2020) (footnotes omitted). Nevertheless, as discussed below, we recognize that certain civil contempt proceedings, where the possibility of jail time exists, may require representation of counsel. *See Rodriguez*, 120 Nev. at 810, 102 P.3d at 49. Indeed, the district court in this case recognized this in as much it appointed Tillman to represent Jesus at the contempt proceedings.

Although the district court's order here contains language that could indicate that the purpose of the order was to punish Jesus' past conduct in disobeying court orders, we conclude that the district court's contempt order was primarily civil in nature as it contained a purge clause. *See Lewis*, 132 Nev. at 457, 373 P.3d at 880-81; *see also Warner*, 111 Nev. at 1382, 906 P.2d at 709 ("Contempt proceedings, while usually called civil

or criminal, are, strictly speaking, neither. They may best be characterized as *sui generis*, and may partake of the characteristics of both."). Thus, Jesus did not necessarily have a right to representation during the hearing. *See Rodriguez*, 120 Nev. at 813, 102 P.3d at 51 ("Due process does not require the appointment of counsel in every civil contempt hearing involving an indigent party facing the threat of imprisonment."). Nevertheless, our supreme court has recognized that:

> [t]he need for appointed counsel turns on an initial determination of indigency, for unless a party is truly indigent, the state need not provide representation. If an indigent party faces the threat of possible incarceration . . . the court should then seek to balance the private liberty interest at stake, the government's interest, and the risk of an erroneous finding, taking into account the complexity of the legal and factual issues and the party's ability to effectively communicate on his own behalf.

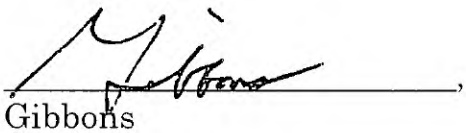
Id. at 813, 102 P.3d at 51.

In this case, Jesus received notice of the hearing and was appointed counsel in advance of the hearing date, demonstrating the district court's initial concern for the due process principles outlined above. However, the district court abused its discretion when it proceeded with the hearing on the same day it allowed counsel to withdraw without the appointment of new counsel, as the court had already determined that appointed counsel was necessary in this case. Further, the district court erred by limiting Jesus' arguments at the hearing, and striking his written opposition to the order to show cause, we conclude that the district court did not provide Jesus with an adequate opportunity to prepare and present his objections to the contempt hearing, violating his due process rights. *See In re Guardianship of D.M.F.*, 139 Nev., Adv. Op. 38, 535 P.3d 1154, 1163

(2023) (recognizing that due process includes notice "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.").

Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its May 19, 2021, order declaring Jesus a vexatious litigant, its Amended Qualified Domestic Relations Order entered July 27, 2022, and its Order after the March 23, 2023, hearing holding Jesus in contempt; and directing the district court to hold further proceedings in this matter as necessary. Any remaining relief requested by Jesus is denied.[7]



_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc: Hon. Charles J. Hoskin, District Judge, Family Division
Jesus Luis Arevalo
Willick Law Group
Eighth District Court Clerk

[7]Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.