

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AVIS WINTERS AND DAN WINTERS,  
Petitioners,

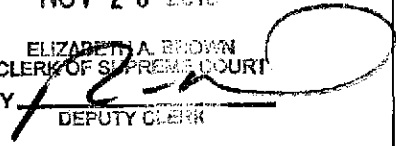
vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
LINDA BELL, DISTRICT JUDGE,  
Respondents,  
and  
GREGORY BRENT DENNIS,  
Real Party in Interest.

No. 75292

FILED

NOV 20 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges the district court's orders awarding attorney fees to real party in interest Gregory Brent Dennis as sanctions against petitioners.

Petitioners Avis and Dan Winters filed a complaint seeking an order forfeiting life insurance proceeds Dennis received after the death of his wife, Susan Winters.<sup>1</sup> Dennis moved to terminate the proceedings or disqualify petitioners' counsel for violating Nevada Rule of Professional Conduct (RPC) 3.6. The district court denied Dennis' motion but awarded Dennis' counsel attorney fees against petitioners. When petitioners moved for reconsideration, the district court denied their motion, characterizing the original award of attorney fees as a sanction, and awarded Dennis' counsel additional attorney fees.

Dennis moved for an order to show cause why petitioners should not be held in contempt for failing to comply with the district court's

<sup>1</sup>We do not recount the facts except as necessary to our disposition.

orders to pay the attorney fees. Petitioners then filed this emergency petition challenging the district court's authority to award attorney fees. The district court has not issued an order to show cause nor held petitioners in contempt at this time. This court temporarily stayed the possible contempt proceedings pending resolution of the petition.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844-45 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”). An award of attorney fees against a party will be fully appealable following entry of final judgment. See *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (holding that interlocutory orders may be heard on appeal of a final judgment). We thus see no compelling reason to intervene when petitioners will have an adequate remedy at law in the normal course of litigation.<sup>2</sup>


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<sup>2</sup>We note that, had the district court sanctioned petitioners' counsel, an extraordinary writ may have been a proper avenue for counsel to seek review of that sanction because “[s]anctioned attorneys do not have standing to appeal.” *Watson Rounds, P.C. v. Eighth Judicial Dist. Court*, 131 Nev. 783, 786, 358 P.3d 228, 231 (2015). We further note that, while petitioners' counsel may have suffered a “reputational sanction” when the district court found that petitioners' counsel violated RPC 3.6, it is petitioners—not petitioners' counsel—who seek relief, and what they challenge in this written petition is the district court's authority to award attorney fees—not whether petitioners' counsel violated RPC 3.6. See *Valley Health Sys. v. Estate of Jane Doe*, 134 Nev. \_\_\_, \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ (Adv. Op. No. 76, Sep. 27, 2018, at 16) (holding that a reputational sanction is reviewable by writ).

We thus decline to exercise our discretion to intervene. Accordingly, we deny the petition.<sup>3</sup> We also vacate our stay entered on March 12, 2018.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge  
Sgro & Roger  
Chesnoff & Schonfeld  
Eighth District Court Clerk

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<sup>3</sup>Petitioners' several failures to comply with NRAP 27(e) constitute alternative bases on which to deny this petition. We note that petitioners' failed to "make every practicable effort to notify . . . opposing counsel" before filing the petition; to state "the date or event by which action is necessary;" and to explain why opposing counsel was not notified before filing. NRAP 27(e)(1)-(3)(C). We noted similar deficiencies in a previous order denying writ relief. *Sgro & Roger v. Eighth Judicial Dist. Court*, Docket No. 76418 (Order Denying Petition for Writ of Mandamus, Ct. App., July 20, 2018).