

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DMVH, LLC, A NEVADA LIMITED LIABILITY COMPANY; NORMAN PHAM, A/K/A NAM NGOC PHAM, A/K/A NORMAN NG, AN INDIVIDUAL, AND IN HIS CAPACITY OF CO-TRUSTEE OF THE PHAM FAMILY TRUST,

Appellants,

vs.

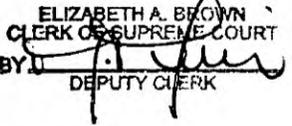
HANH THI HOANG, INDIVIDUALLY AND IN HER CAPACITY AS CO-TRUSTEE AND BENEFICIARY OF THE PHAM FAMILY TRUST; AND RECEIVER, GREGG WILLIAMS OF TRIDENT PACIFIC REAL ESTATE GROUP, INC.,

Respondents.

No. 82188-COA

FILED

OCT 20 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

DMVH, LLC, and Norman Pham appeal from a district court order regarding receivership fees. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Hanh Thi Hoang sought a receivership of contested property in the instant suit against DMVH and Pham (collectively, DMVH).¹ The district court appointed Gregg Williams of Trident Pacific Real Estate Group, Inc., as receiver in the matter in October 2018. In June 2020, Hoang and DMVH submitted a stipulation and order to resolve the contested property ownership, terminate the receivership, and pay the outstanding fees and costs owed to Williams as receiver, which the court entered. In

¹We recount facts only as necessary to our disposition.

accordance, Williams submitted his motion for order: (1) approving the receiver's final report and accounting, (2) approving the final fees and expenses of the receivership, and (3) discharging the receiver. The included report contained over 1,000 pages of accounting and other information regarding the receivership.

DMVH opposed Williams' motion, claiming that Williams was not entitled to fees and costs due to Williams' poor performance as receiver. DMVH also sought to have a third party review the receivership and its bank accounts. In a supplement to its opposition, DMVH provided a report from a claimed expert who asserted that he required additional documentation to assess receivership expenditures. After a hearing on Williams' motion, the district court provided DMVH additional time for a review of Williams' bank accounts for the receivership, which review DMVH did not complete. The district court then granted Williams' motion, finding that Williams was owed \$167,822.36 after accounting for prior payments made by DMVH. DMVH now appeals the fees and costs order.

DMVH argues that it should not have to pay for the receiver's fees and costs due to perceived deficiencies of Williams' performance as receiver. Therefore, according to DMVH, the district court abused its discretion in not allowing DMVH more time to review the receivership records and in not allowing DMVH's expert to opine on the quality of Williams' performance as receiver. In response, Williams asserts that DMVH had adequate opportunity to review and dispute the receiver's report. Williams particularly notes that DMVH was provided additional time and access to receivership records, to which DMVH did not avail itself, and that Williams fulfilled his duties and responsibilities as receiver

properly in accordance with the terms of the appointment order and the resources available.

We review the issues DMVH raises here regarding the district court's order on the receiver's fees and costs for an abuse of discretion. See *MEI-GSR Holdings, LLC v. Peppermill Casinos, Inc.*, 134 Nev. 235, 244, 416 P.3d 249, 258 (2018) (reviewing an award of fees and costs for an abuse of discretion); *Nishon's, Inc. v. Kendigian*, 91 Nev. 504, 505, 538 P.2d 580, 581 (1975) (reviewing appointment of a receiver for an abuse of discretion); *Leavitt v. Siems*, 130 Nev. 503, 509, 330 P.3d 1, 5 (2014) (reviewing a decision to allow expert testimony for an abuse of discretion). We will not disturb a district court's factual findings unless they are clearly erroneous or not supported by substantial evidence. *Weddell v. H2O, Inc.*, 128 Nev. 94, 101, 271 P.3d 743, 748 (2012). Substantial evidence is evidence that a reasonable mind might accept as adequate to support a conclusion. *Mason-McDuffie Real Estate, Inc. v. Villa Fiore Dev., LLC*, 130 Nev. 834, 838, 335 P.3d 211, 214 (2014).

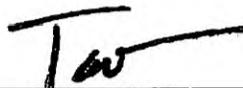
Here, the district court acted well within its discretion in determining the fees and costs due to the receiver. DMVH has offered no support for its position that the award of fees and costs requires expert review. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that claims not supported by relevant authority need not be considered). Further, the record indicates that DMVH did not fully utilize the opportunities it had to review the receiver's actions. As for DMVH's allegations of impropriety against Williams as receiver, the record is replete with evidence upon which the district court could base its decision that the receiver fulfilled his duties and obligations adequately and was entitled to fees and costs as laid forth.

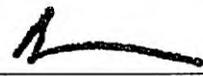
Therefore, substantial evidence supports the decision and an abuse of discretion has not been established.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 4
Hurtik Law & Associates
Armstrong Teasdale, LLP/Las Vegas
Garman Turner Gordon
Eighth District Court Clerk