

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINNIS ALDERMAN,
Appellant,
vs.
FARMERS INSURANCE EXCHANGE,
Respondent.

No. 40706

FILED

MAY 07 2003

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richards
CHIEF DEPUTY CLERK

This is a proper person appeal from a final judgment in an action for insurance bad faith and related claims concerning the valuation of and damages to appellant's 1972 Mercedes. Having reviewed the record, we conclude that the district court's findings are not clearly erroneous and are supported by substantial evidence.¹

First, the record supports the district court's finding that appellant's vehicle was not worth more than she has received in settlement from respondent and from the tortfeasor's insurer. Under the terms of the policy, appellant may receive the lesser of the vehicle's pre-accident value or repair costs. Appellant is not entitled to any further amounts.

Second, the record also supports the district court's finding that respondent was not notified of the arbitration in time to intervene and participate. The rule announced in Allstate Insurance Co. v. Pietrosh² applies only if the insurer has seasonable notice of the litigation and still

¹See Gibellini v. Klindt, 110 Nev. 1201, 885 P.2d 540 (1994).

²85 Nev. 310, 454 P.2d 106 (1969).

fails to intervene. Here, respondent had only eleven days' notice of the arbitration, even though appellant had commenced the litigation several months earlier. Respondent is thus not bound by the arbitration award.

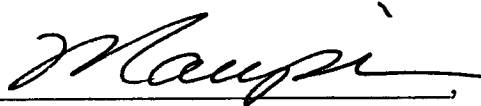
Third, the record reflects continuous efforts by respondent's employees to settle and conclude the matter. No evidence of bad faith is present. Therefore, the district court properly found that appellant's bad faith claim failed.

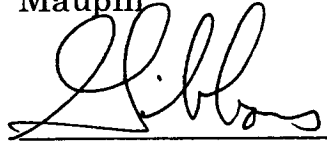
Finally, the record contains no evidence indicating that the district court's award of \$500 for the damage to appellant's car while in respondent's custody is inadequate.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Steve L. Dobrescu, District Judge
Minnis Alderman
Lemons Grundy & Eisenberg
White Pine County Clerk