

## SUPREME COURT OF NEVADA

# Childs v. District Court (WLab Investment, LLC)

Childs · No. 82967; document 21-30024 · Decided October 19, 2021

### SUMMARY

The Nevada Supreme Court granted Benjamin B. Childs's petition for a writ of mandamus or prohibition. The court directed the district court to vacate the portion of its order imposing sanctions against Childs and to reassign the underlying case to a different district court judge. The writ was issued on October 19, 2021, and the case was closed after notice in lieu of remittitur.

### CASE DETAILS

|                       |                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Nevada                                                                                                                                                     |
| WRITING FOR THE COURT | Mark Gibbons, Senior Justice, participating under a general order of assignment                                                                                             |
| JURISDICTION          | Nevada                                                                                                                                                                      |
| DECIDED               | October 19, 2021                                                                                                                                                            |
| DOCKET                | 82967; document 21-30024                                                                                                                                                    |
| DISPOSITION           | writ_granted                                                                                                                                                                |
| PROCEDURAL POSTURE    | Original civil proceeding on a petition for a writ of mandamus or prohibition challenging a district court sanctions order and seeking reassignment of the underlying case. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                   |
| PARTIES               | Benjamin B. Childs v. Adriana Escobar, The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark                                            |

### TOPICS

[sanctions](#) [writ of certiorari](#) [appellate procedure](#) [civil procedure](#) [commercial litigation](#)

### PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [extraordinary writs](#) [sanctions](#) [commercial litigation](#)

### QUESTIONS PRESENTED

1. Whether the Supreme Court of Nevada should issue a writ of mandamus or prohibition concerning the district court's sanctions order.
2. Whether the portion of the district court's order imposing sanctions against Childs should be vacated.
3. Whether the underlying district court case should be reassigned to a different district judge.

#### **HOLDINGS**

1. The petition for a writ of mandamus was granted.
2. The district court was directed to vacate the portion of its order imposing sanctions against Childs.
3. The district court was directed to have the underlying case reassigned to a different district court judge.

#### **KEY QUOTATIONS**

*“ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT OT ISSUE A WRIT OF MANDAMUS instructing the district court to vacate the portion of its order imposing sanctions against petitioner and to have the underlying district court case reassigned to a different district court judge.”*

#### **FACTUAL BACKGROUND**

The Eighth Judicial District Court entered an order imposing sanctions against Benjamin B. Childs. Childs sought extraordinary relief in the Nevada Supreme Court and requested a stay of enforcement. The Supreme Court stayed the sanctions order and ultimately directed that the sanctions portion be vacated and that the underlying case be reassigned to a different district judge.

#### **PROCEDURAL HISTORY**

Childs petitioned the Supreme Court of Nevada for mandamus or prohibition after the district court imposed sanctions against him. The Supreme Court stayed enforcement of the sanctions order, directed an answer, and then granted the petition, ordering the sanctions portion of the district court's order vacated and the underlying case reassigned to a different district judge. A writ issued, followed by a notice of compliance and closure of the appellate case.

#### **DISPOSITION**

writ\_granted

#### **REMAND INSTRUCTIONS**

Vacate the portion of the district court's order imposing sanctions against Childs and reassign the underlying district court case to a different district court judge.