

IN THE SUPREME COURT OF THE STATE OF NEVADA

VISTANA CONDOMINIUM OWNERS
ASSOCIATION, INC.; LARRY FITCH,
AN INDIVIDUAL; ANTHONY KNELP,
AN INDIVIDUAL; LYNN WILLIAMS,
AN INDIVIDUAL; AND ARDYCE
NELSON, AN INDIVIDUAL,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,

Respondents,

and

SHARATH CHANDRA,
ADMINISTRATOR; REAL ESTATE
DIVISION, STATE OF NEVADA;
STATE OF NEVADA DEPARTMENT
OF BUSINESS AND INDUSTRY; AND
COMMISSION FOR COMMON-
INTEREST COMMUNITIES AND
CONDOMINIUM HOTELS, FOR THE
STATE OF NEVADA,
Real Parties in Interest.

No. 75951

FILED

DEC 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

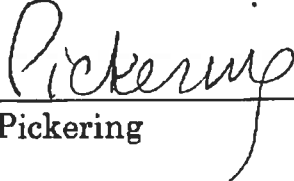
This is an original petition for a writ of mandamus or prohibition challenging a district court order concerning application of the attorney-client privilege to evidence in an administrative agency matter. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

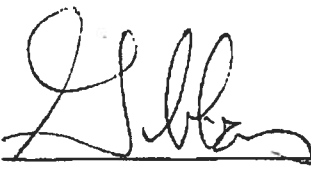
In 2014, the Nevada Real Estate Division (NRED) received complaints against Vistana Condominium Owners' Association (Vistana) regarding an illegal towing scheme. NRED initiated an investigation into

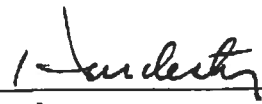
the alleged towing scheme and into Vistana and its board members. The Nevada Commission for Common Interest Communities and Condominium Hotels (the Commission) filed a complaint against Vistana. Ultimately, the Commission decided that the Vistana board members were guilty of unlawful conduct. Vistana appealed the decision and, in response, NRED sought to introduce emails as new evidence it obtained. Vistana argued that those emails are protected by the attorney-client privilege. The district court held an evidentiary hearing and found that the emails are not protected by the attorney-client privilege. Vistana now appeals that decision.

This court has granted writ relief for discovery orders when the discovery order compels disclosure of privileged information. *Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. 167, 171, 252 P.3d 676, 679 (2011). Vistana argues that the emails at issue are subject to the attorney-client privilege, and thus writ relief is appropriate. Having considered the petition, we are not convinced that our intervention is warranted. See *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (“[T]he issuance of a writ of . . . prohibition is purely discretionary with this court.”).

ORDER the petition DENIED.


_____, J.
Pickering


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Richard Scotti, District Judge
Gibbs Giden Locher Turner Senet & Wittbrodt LLP/Las Vegas
Attorney General/Las Vegas
Eighth District Court Clerk

