

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA J. GIBSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
MARSHAL WILLYCK; ROBERT
CERCEO; AND THE LAW OFFICES OF
MARSHAL WILLYCK,
Real Parties in Interest.

No. 44437

FILED

SEP 23 2005

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

ORDER GRANTING IN PART PETITION FOR WRIT OF MANDAMUS

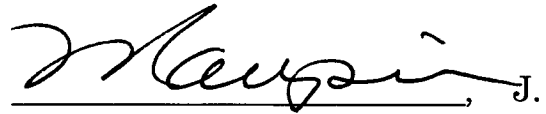
This is an original proper person petition for a writ of mandamus challenging a district court order that denied petitioner's application for in forma pauperis status and to waive NRS 18.130's requirement that, upon demand by a defendant, an out-of-state plaintiff must post a cost bond with the court. We directed the real parties in interest to file an answer, which they have done.

The district court's order did not state its reasons for denying petitioner's application. Recently, in Jordan v. State, Department of Motor Vehicles,¹ we held that an indigent plaintiff may obtain a waiver of the out-of-state cost bond. While a plaintiff's payment of the filing fee is a relevant factor to be considered, it is not dispositive with respect to whether additional costs and fees should be waived. Accordingly, we grant


¹121 Nev. ___, ___, 110 P.3d 30, 47-48 (2005).

the petition in part, and we direct the court clerk to issue a writ of mandamus directing the district court to reconsider petitioner's application in light of Jordan.

It is so ORDERED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Valerie Adair, District Judge
Lisa J. Gibson
Pearson, Foley & Kurtz, P.C.
Clark County Clerk