

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMON DESAGE, A/K/A RAMON  
ANTOINE DESAGE, A/K/A RAYMOND  
A. ABIRACHED, A/KA/A RAMON ABI-  
RACHED, AN INDIVIDUAL; AND  
CADEAU EXPRESS, INC., A NEVADA  
CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
NANCY M. SAITTA, DISTRICT JUDGE,

Respondents,

and

INVENTORY CAPITAL  
CORPORATION, A NEVADA  
CORPORATION,

Real Party in  
Interest.

No. 45017

**FILED**

APR 04 2005

*[Signature]*  
JANEY M. CLARK  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER DENYING PETITION

This petition seeks (1) the issuance of a writ of mandamus or, in the alternative, a writ of prohibition directing the recusal of respondent District Judge Nancy M. Saitta in the underlying action, and (2) an order staying a hearing scheduled before Judge Saitta on April 5, 2005, on petitioner's motion for the recusal of Judge Saitta. More specifically, petitioners argue that upon the filing of their motion for recusal, Judge Saitta was required to immediately transfer the case to another department of the court pursuant to NRS 1.235, and that she improperly scheduled a hearing on the motion.

We have reviewed the petition and we are not persuaded that this court's intervention by way of extraordinary writ is warranted at this time. See Nevada Pay TV v. District Court, 102 Nev. 203, 205, 719 P.2d 797, 798 (1986) (citing State ex rel. Dep't Welfare v. District Ct., 85 Nev. 642, 462 P.2d 37 (1969) ("a judge is not required to transfer a case to another department where an untimely affidavit of prejudice [pursuant to NRS 1.235] is filed against him . . . but retains authority to determine whether the challenge is timely"); see also Jacobson v. Manfredi, 100 Nev. 226, 679 P.2d 251 (1984) (holding that a district judge properly considered and ruled upon a motion to strike, as untimely, a motion for recusation pursuant to NRS 1.235); Valladares v. District Court, 112 Nev. 79, 910 P.2d 256 (1996). Accordingly, no good cause appearing, we deny the petition for a writ of mandamus or, in the alternative, a writ of prohibition.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Becker

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Nancy M. Saitta, District Judge  
Orin G. Grossman, P.C.  
Lionel Sawyer & Collins/Las Vegas  
Solomon Dwiggin & Freer  
Clark County Clerk