

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE POWER COMPANY, INC., A  
NEVADA CORPORATION D/B/A  
CRAZY HORSE TOO GENTLEMEN'S  
CLUB; RICK RIZZOLO,  
INDIVIDUALLY; AND VINCENT  
FARACI, INDIVIDUALLY,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; THE HONORABLE JACKIE  
GLASS, DISTRICT JUDGE; AND  
DISCOVERY COMMISSIONER  
THOMAS BIGGAR,  
Respondents,  
and  
KIRK HENRY AND AMY HENRY,  
Real Parties in Interest.

No. 45085

FILED

APR 22 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

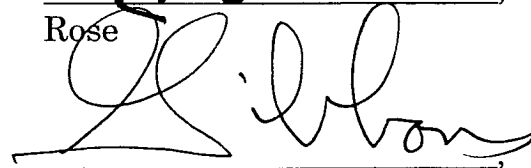
ORDER DENYING PETITION FOR WRIT  
OF MANDAMUS OR PROHIBITION

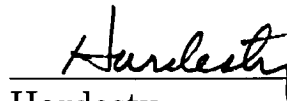
This original petition for a writ of mandamus or prohibition seeks to (1) stay the underlying district court civil proceedings or the taking of Vincent Faraci's deposition pending the conclusion of parallel criminal proceedings, or (2) obtain a hearing on the merits of petitioners' objections to the deposition and/or Faraci's motion for a protective order before the deposition occurs.

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.<sup>1</sup> We note that the parties have not presented any district court ruling on the discovery commissioner's recommendations. Accordingly, we deny the petition.<sup>2</sup>

It is so ORDERED.<sup>3</sup>

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

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

  
\_\_\_\_\_, J.  
Hardesty

---

<sup>1</sup>See Clark County Liquor v. Clark, 102 Nev. 654, 730 P.2d 443 (1986) (recognizing that this court will not generally entertain extraordinary writ petitions to review discovery matters); Avant! Corp. v. Superior Court, 94 Cal. Rptr. 2d 505 (Ct. App. 2000) (holding that the district court in that case did not abuse its discretion by refusing to stay discovery directed at a defendant corporation's employees because: (1) discovery matters, including stays of civil discovery during pending criminal proceedings, are addressed to the trial court's sound discretion; (2) it is permissible for civil actions to proceed concurrently with criminal actions, even if that process results in an adverse inference being drawn from a defendant's invocation of his right against self-incrimination; and (3) corporations possess no privilege against self-incrimination).

<sup>2</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>3</sup>Petitioners' motion for an emergency stay pending this court's consideration of this petition is denied as moot.

cc: Hon. Jackie Glass, District Judge  
Patti & Sgro  
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.  
Campbell & Williams  
Hunterton & Associates  
Goodman & Chesnoff  
Clark County Clerk