

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA POWER COMPANY,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
KENNETH C. CORY, DISTRICT  
JUDGE,

Respondents,

and

FRED NASSIRI, A SINGLE MAN, AND  
FRED NASSIRI, TRUSTEE OF THE  
NASSIRI LIVING TRUST,  
Real Party in Interest.

No. 46136

**FILED**

JAN 13 2006

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

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION


This original petition for a writ of mandamus or prohibition, arising from an eminent domain proceeding, challenges a district court decision to allow valuation testimony by petitioner's expert, who is not a certified appraiser, and further challenges the court's order setting a bond and/or cash in lieu of bond in an amount exceeding petitioner's appraisal.


Petitioner contends that the court improperly allowed real party in interest's expert's testimony at the hearing on immediate occupancy, as the expert did not follow the Uniform Standard of Professional Appraisal Practice in preparing his valuation of real party in interest's property. Petitioner further argues that the district court arbitrarily set a value for a cash deposit and bond amount to allow petitioner's immediate occupancy. According to petitioner, it continues to bear the costs of the bond that it had to post to receive occupancy.

Having reviewed the petition and answer, we conclude that petitioner has not demonstrated that extraordinary relief is warranted. As petitioner has been granted its motion to occupy real party in interest's property and has posted the court-required bond, petitioner has apparently waived any argument regarding improper land valuation testimony and the amount of the bond and/or cash in lieu of bond.

We therefore conclude that this court's intervention by way of extraordinary relief is not warranted,<sup>1</sup> and we

ORDER the petition DENIED.<sup>2</sup>

 J.

Maupin  
 J.  
Gibbons

 J.  
Hardesty

cc: Hon. Kenneth C. Cory, District Judge  
Curran & Parry  
Chuck R. Gardner  
Law Offices of John M. Netzorg  
Clark County Clerk

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<sup>1</sup>As NRS 645C.150(C) had no bearing on this petition's resolution, we deny petitioner's motion to file a reply.

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