

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRSTPLUS FINANCIAL GROUP, INC.,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
PETER I. BREEN, DISTRICT JUDGE,
Respondents,


and

DANFORD L. MARTIN, AN
INDIVIDUAL; BARBARA GULENYAN,
AN INDIVIDUAL; DANIEL M. KIRK,
AN INDIVIDUAL; FREDERICK C.
DUPREY, AN INDIVIDUAL; GARY L.
JAHR, AN INDIVIDUAL; GEORGE R.
EBERTING, AN INDIVIDUAL;
TERESTA L. EBERTING, AN
INDIVIDUAL; GLENN ELZAS, AN
INDIVIDUAL; GUY OUSERUD, AN
INDIVIDUAL; JAMES L. BROADWAY,
AN INDIVIDUAL; JAMES P. HANSON,
AN INDIVIDUAL; JAMES P. HANSON,
AS TRUSTEE FOR THE JAMES P. AND
KRISTY L. HANSON REVOCABLE
LIVING TRUST DATED 12/6/2002;
KRISTY L. HANSON, AS TRUSTEE
FOR JAMES P. AND KRISTY L.
HANSON REVOCABLE LIVING TRUST
DATED 12/6/2002; JOHN HAYCRAFT,
AN INDIVIDUAL; JOHN MAZZARA, AN
INDIVIDUAL, JOHN P. ROSKO, AN
INDIVIDUAL; KENNETH W.
BOLSTER, AN INDIVIDUAL;
KENNETH W. BOLSTER, AS TRUSTEE
FOR THE BOLSTER LIVING TRUST

No. 46219

FILED

NOV 09 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

DATED 8/24/1993; MARILYN R. BOLSTER, AS TRUSTEE FOR THE BOLSTER LIVING TRUST DATED 8/24/1993; KHANH N. MARTIN, AN INDIVIDUAL; LAURA GULENYAN, AN INDIVIDUAL; MARILYN R. BOLSTER, AN INDIVIDUAL; OKAN ATLAN, AN INDIVIDUAL; PATRICK J. HETHCOAT, AN INDIVIDUAL; PATRICK J. NOONAN, AN INDIVIDUAL; PAUL GULENYAN, AN INDIVIDUAL; ROBERT D. GOETSCH, AN INDIVIDUAL; ROBERT J. MALNAR, AN INDIVIDUAL; RON L. MARTIN, AN INDIVIDUAL; ELIZABETH MARTIN, AN INDIVIDUAL; RUPEN GULENYAN, AN INDIVIDUAL; SAHAN EGRUDER, AN INDIVIDUAL; STEVEN M. KUTCHMAN, AN INDIVIDUAL; SUSAN BROADWAY, AN INDIVIDUAL; TERENCE ALLAN, AN INDIVIDUAL; THOMAS W. MACFARLANE, III, AN INDIVIDUAL; TIM M. VALLES, AN INDIVIDUAL; KAREN E. VALLES, AN INDIVIDUAL; TIMOTHY A. AEBI, AN INDIVIDUAL; PATRICK J. HETHCOAT, AS TRUSTEE FOR THE HETHCOAT FAMILY TRUST DATED 1994; DAVID WOLFF AND ILAINA MEISLER, AS JOINT OWNERS; ROBERT J. MALNAR, AS CUSTODIAN FOR GREGORY ALLEN MALNAR; NEVA MILLER, AN INDIVIDUAL; GREGORY W. MONTGOMERY, AN INDIVIDUAL; AND RONALD J. MILLER, AN INDIVIDUAL, Real Parties in Interest.

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS, PROHIBITION, OR CERTIORARI

This is an original petition for alternative writs of certiorari, mandamus, or prohibition, challenging the district court's order granting real parties in interests' motion to defer a shareholders' meeting scheduled for November 16, 2005. After considering the petition, we are not satisfied this court's intervention by way of extraordinary relief is warranted.¹

The issuance of the writs is purely discretionary with this court.² They will not issue, moreover, where petitioner has a plain, speedy, and adequate remedy at law.³ Here, petitioner has an adequate legal remedy in the form of an appeal from the district court's final

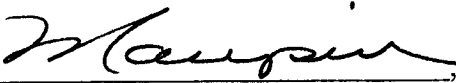
¹See NRS 34.020(2) (authorizing issuance of a writ of certiorari in civil cases only when an inferior tribunal, board, or officer has exercised judicial functions beyond jurisdictional limits); NRS 34.320 (limiting a writ of prohibition to proceedings in excess of the jurisdiction of a tribunal, corporation, board or person exercising judicial functions); Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981) (stating that a writ of mandamus will not lie to control discretionary action unless discretion is manifestly abused or exercised in an arbitrary or capricious fashion).

²See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987).

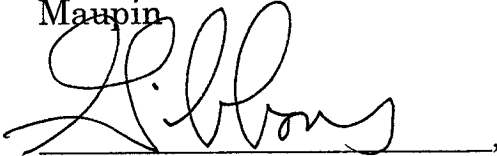
³NRS 34.020(2); NRS 34.170; 34.330.

judgment.⁴ Once the district court enters a written judgment, petitioner may appeal if it is aggrieved.⁵ Accordingly, we deny the petition.⁶

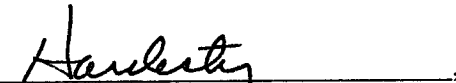
It is so ORDERED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Peter I. Breen, District Judge
Jenkins & Gilchrist
Kummer Kaempfer Bonner & Renshaw/Reno
Brooke Shaw Zumpft
Jenkins & Carter
Washoe District Court Clerk

⁴NRAP 3A(b)(1).

⁵See NRAP 3A(a); NRAP 4(a)(1).

⁶See NRAP 21(b).