

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL TOWBIN AND CAROLYN
TOWBIN, INDIVIDUALLY AND AS
TRUSTEES OF THE DANIEL AND
CAROLYN LYNNE TOWBIN FAMILY
TRUST DATED 11/01/92; AND THE DANIEL
AND CAROLYN LYNNE TOWBIN FAMILY
TRUST DATED 11/01/92,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE JESSIE WALSH, DISTRICT
JUDGE,

Respondents,

and

INVESTMENT EQUITY BUILDERS, LLC, A
NEVADA LIMITED LIABILITY COMPANY;
LAS VEGAS DEVELOPMENT COMPANY,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; TRADEWINDS
CONSTRUCTION, A NEVADA
CORPORATION; K & G CONSTRUCTION, A
NEVADA CORPORATION; AND FRADELLA
IRONWORKS, A NEVADA CORPORATION,
Real Parties in Interest.

No. 47442

FILED

JUN 29 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This petition for a writ of mandamus challenges a district court order (1) denying, in part, a motion to dismiss causes of action for breach of the contractual duty of good faith and fair dealing, false claims, defamation, and declaratory relief, and (2) granting real party in interest Investment Equity Builders, LLC, leave to amend its complaint. Although the district court dismissed Investment Equity Builders' cause of action for "false claims" and request for punitive damages, and Investment Equity Builders amended its complaint to include additional breach of contract and misrepresentation claims, petitioner asserts that Investment Equity Builders' other claims should also have been dismissed because they each arise from statements made during quasi-judicial proceedings, which are entitled to an absolute privilege.

This court will not exercise its discretion to consider petitions for extraordinary writ relief that challenge district court orders denying motions to dismiss, unless dismissal is clearly required by a statute or rule, or an important issue of law requires clarification.¹ Further, extraordinary writs are generally available only when our resolution of the legal question presented would affect all aspects of the underlying case.² We have considered this petition, and we are not satisfied that this court's

¹Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

²Moore v. District Court, 96 Nev. 415, 610 P.2d 188 (1980).

intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.³

It is so ORDERED.

Douglas, J.
Douglas

Becker, J. Hardesty, J.
Becker Hardesty

cc: Hon. Jessie Elizabeth Walsh, District Judge
Harrison Kemp & Jones, LLP
R. Christopher Reade
Clark County Clerk

³See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).