

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA ATTORNEY FOR INJURED  
WORKERS,

Petitioner,

vs.

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

Respondents,

and

NEVADA SELF-INSURERS ASSOCIATION;  
STATE OF NEVADA DEPARTMENT OF  
BUSINESS AND INDUSTRY, DIVISION OF  
INDUSTRIAL RELATIONS; AND HARDY  
HARDY & MCNICHOLAS,

Real Parties in Interest.

No. 47506

**FILED**

JUN 30 2006

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

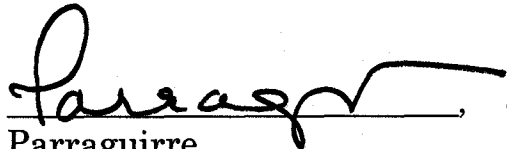
ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order refusing to dismiss a complaint for declaratory relief. Petitioner asserts that the district court has improperly exercised its jurisdiction in maintaining the declaratory relief action, because the action challenges an underlying administrative decision denying a petition to amend a workers' compensation regulation. Petitioner asserts that the appropriate means by which to challenge the administrative decision is a petition for judicial review.

A writ of prohibition is available to control district court acts taken without or in excess of the court's jurisdiction.<sup>1</sup> This court will not exercise its discretion to consider petitions for extraordinary writ relief that challenge district court orders denying motions to dismiss, however, unless no factual issues are in dispute and dismissal is clearly required by a statute or rule, or an important issue of law requires clarification.<sup>2</sup> We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.<sup>3</sup>

It is so ORDERED.<sup>4</sup>

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, Sr. J.  
Shearing

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<sup>1</sup>State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002); NRS 34.320.

<sup>2</sup>Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

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

<sup>4</sup>The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered January 6, 2006.

cc: Hon. David Wall, District Judge  
Nevada Attorney for Injured Workers/Carson City  
Hardy Hardy & McNicholas  
Smith & Kotchka  
John F. Wiles  
Nancy E. Wong  
Clark County Clerk