

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLEET BANK, N.A.,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
ROBERT H. PERRY, DISTRICT JUDGE,
Respondents,
and
THOMAS L. WILKERSON AND LOUIS
J. WILKERSON,
Real Parties in Interest.

No. 47801

FILED

SEP 27 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

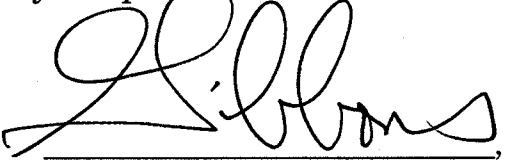
This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to dismiss a complaint alleging claims for negligence and a uniform commercial code violation, namely conversion of a negotiable instrument.

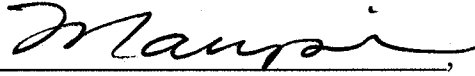
Unless no disputed factual issues exist and dismissal is clearly required by a statute or rule, or an important issue of law requires clarification, we will not exercise our discretion to consider petitions for mandamus relief that challenge district court orders denying motions to dismiss.¹ Upon consideration of the petition and supporting documents,

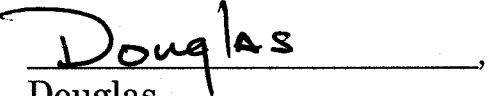
¹Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.²

It is so ORDERED.³


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Robert H. Perry, District Judge
Jones Vargas/Reno
McDonald Carano Wilson LLP/Reno
Washoe District Court Clerk

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

³Petitioner's motion to stay the district court proceedings is denied as moot.