

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDSTONE FINANCIAL LLC, A
NEVADA LIMITED LIABILITY
COMPANY; PREMIUM LIFE, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; AND PHILIP NEUMAN,
AN INDIVIDUAL,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,

Respondents,

and

RICHARD BAKER, AN INDIVIDUAL,
Real Party in Interest.

PHILIP NEUMAN, AN INDIVIDUAL,
INDIVIDUALLY AND DERIVATIVELY
ON BEHALF OF SANDSTONE
FINANCIAL, LLC, A NEVADA
LIMITED LIABILITY COMPANY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,

Respondents,

and

HARRY JENKINS FAMILY LLC, A

No. 48189

FILED

OCT 18 2006

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

NEVADA LIMITED LIABILITY COMPANY; DUANE DENNY FAMILY LLC, A NEVADA LIMITED LIABILITY COMPANY; ERNEST A. SCHROER III FAMILY LLC, A NEVADA LIMITED LIABILITY COMPANY; PHILIP L. B. SCOTT FAMILY LLC, A NEVADA LIMITED LIABILITY COMPANY; MARTIN L. BREGMAN FAMILY LLC, A NEVADA LIMITED LIABILITY COMPANY; LEONARD FONG FAMILY LLC, A NEVADA LIMITED LIABILITY COMPANY; THEODOR DAVIES FAMILY LLC, A NEVADA LIMITED LIABILITY COMPANY; WALLACE LLC, A NEVADA LIMITED LIABILITY COMPANY; RICHARD BAKER, AN INDIVIDUAL; POTOMAC GROUP WEST, INC., A CALIFORNIA CORPORATION; AND STEVEN LEISHER, AN INDIVIDUAL, Real Parties in Interest.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district court's decision to deny petitioners' motion for a preliminary injunction and to grant real party in interest Richard Baker's motion for a stay of the underlying Nevada action pending litigation involving Baker and petitioner Philip Neuman in California.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.¹ Mandamus is an extraordinary remedy, however—a petition for which is addressed to this court’s sole discretion.² Further, petitioners bear the burden of demonstrating that our intervention by way of extraordinary relief is warranted,³ which generally includes demonstrating that they have no plain, speedy, and adequate legal remedy.⁴ Having reviewed the petition and supporting documentation in light of this standard, we are not satisfied that our intervention is warranted.

In particular, we have consistently held that an appeal is an adequate legal remedy precluding writ relief.⁵ To the extent, then, that petitioners challenge the district court’s denial of their motion for a preliminary injunction, which is appealable under NRAP 3A(b)(2), petitioners have an adequate legal remedy in the form of an appeal from the district court’s order.

As regards petitioners’ challenge to the district court’s decision to grant Baker’s motion for a stay while similar litigation involving Baker

¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

²See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

³Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


⁴NRS 34.170.

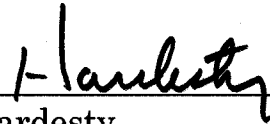
⁵See Pan, 120 Nev. at 224, 88 P.3d at 841.

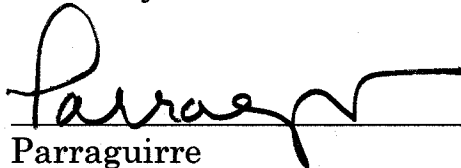
and Neuman proceeds in California, we note that it is within the district court's discretion to stay proceedings before it pending the outcome of a related action in another jurisdiction.⁶ Nothing before this court demonstrates that the district court manifestly abused that discretion.

Accordingly, we

ORDER the petition DENIED.⁷


Becker, J.


Hardesty, J.


Parraguirre, J.

⁶See, e.g., Leyva v. Certified Grocers of California, Ltd., 593 F.2d 857, 863 (9th Cir. 1979) (noting that a trial court may stay proceedings before it pending “resolution of independent proceedings which bear upon the case”); Thomson v. Continental Insurance Company, 427 P.2d 765, 771 (Cal. 1967) (providing that a court has discretion to stay an action when the action raises “substantially identical” issues to those in a separate pending action); see also Thomson, 427 P.2d at 771 n.5 (noting that, although two actions involve different claims, the actions may be substantially similar when the claims arise out of the same circumstances).

⁷NRAP 21(b).

cc: Hon. Kathy A. Hardcastle, District Judge
Lee & Russell
Blumberg, Lorber, Nelson, LLP
Hofland/Eccles
Clark County Clerk