

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMBA JUICE COMPANY, A
CALIFORNIA CORPORATION D/B/A
JAMBA JUICE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE JACK
B. AMES, SENIOR JUDGE,
Respondents,
and
DAVID WATSON,
Real Party in Interest.

No. 48278

FILED

NOV 20 2006

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying, without prejudice, a motion to dismiss a personal injury complaint against an employer for failure to state a claim.

This court will not exercise its discretion to consider petitions for extraordinary writ relief that challenge district court orders denying motions to dismiss or for summary judgment, unless no disputed factual issues exist and dismissal or summary judgment 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

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

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

It is so ORDERED.

Becker _____, J.
Becker

Hardesty _____, J.
Hardesty

Parraguirre _____, J.
Parraguirre

cc: Chief Judge, Eighth Judicial District
Hon. Jack B. Ames, Senior Judge
Watson Rounds
Campbell & Williams
Clark County Clerk

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

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