

IN THE SUPREME COURT OF THE STATE OF NEVADA

IAN CHRISTOPHERSON, D/B/A
CHRISTOPHERSON LAW OFFICES,
Petitioner,

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,

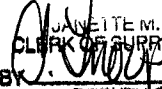
and

ZURICH AMERICAN INSURANCE
GROUP; ZURICH AMERICAN
INSURANCE COMPANY; AND
AMERICAN GUARANTEE AND
LIABILITY INSURANCE COMPANY,
Real Parties in Interest.

No. 48513

FILED

MAY 11 2007

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION, MANDAMUS, OR CERTIORARI

This original petition for a writ of prohibition, mandamus, or certiorari challenges district court orders that enforced petitioner's purported settlement agreement reached in open court with real parties in interest, and based on that settlement, directed petitioner to execute release and settlement agreements with real parties in interest; dismissed the underlying case; and directed petitioner to execute release and settlement agreements and stipulate to dismiss a related action. Petitioner also has requested that this court direct the district court to "unseal" the underlying case.

According to petitioner, the terms of the parties' recorded open-court settlement, which ostensibly included sealing the district court

record, were neither sufficient nor complied with to support enforcing the settlement and dismissing the underlying and related matters.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial function, when such proceedings are in excess of the district court's jurisdiction.¹ A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or an arbitrary or capricious exercise of discretion.² A writ of certiorari is available to cure jurisdictional excesses.³ The writs of prohibition, mandamus, and certiorari are extraordinary remedies, and the decision to entertain a petition requesting these forms of relief is within this court's discretion.⁴

Moreover, petitioner bears the burden of demonstrating that our intervention by way of extraordinary relief is warranted,⁵ which generally includes demonstrating that no plain, speedy, and adequate legal remedy exists.⁶ Having reviewed the petition, the supplement

¹See NRS 34.320.

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

³See NRS 34.020(2).

⁴Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); Dangberg Holdings v. Douglas Co., 115 Nev. 129, 978 P.2d 311 (1999).

⁵Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); see NRAP 21(c) (providing that a petition for an extraordinary writ other than mandamus or prohibition generally shall be sought in the same manner as a petition for a writ of prohibition or mandamus).

⁶NRS 34.020(2); NRS 34.170; NRS 34.330.

thereto, and the supporting documentation in light of this standard, we are not satisfied that our intervention is warranted.

Specifically, according to petitioner's "Supplemental Combined Petition," the district court entered an order dismissing the underlying case "in its entirety." Petitioner, then, appears to have an adequate legal remedy in the form of an appeal from that final judgment.⁷ Likewise, to the extent that the district court directed petitioner to stipulate to dismiss a related action, petitioner's appeal from the district court order dismissing that case⁸ appears to be an adequate legal remedy.⁹

Similarly, to the extent that petitioner requests that this court "unseal" the district court record, petitioner may challenge the district court's order in his appeal.¹⁰ Petitioner has failed to demonstrate that challenging that order in the context of his appeal from the final judgment in the underlying matter is an inadequate legal remedy and that our extraordinary intervention is warranted.¹¹ Specifically, petitioner has

⁷See Pan, 120 Nev. at 224, 88 P.3d at 841 (noting that an appeal is generally an adequate legal remedy precluding writ relief).

We note that petitioner concedes that an appeal concerning this matter has already been docketed in this court, the appeal in Christopherson v. American Guarantee, Docket No. 48345.

⁸See Christopherson v. Alverson, Docket No. 49285.

⁹Pan, 120 Nev. at 224, 88 P.3d at 841.

¹⁰See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (providing that this court on appeal from the final judgment may properly consider interlocutory orders).

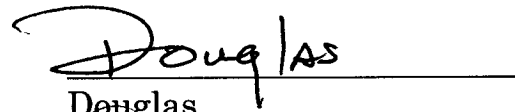
¹¹Pan, at 228, 88 P.3d at 844; NRAP 21(c).

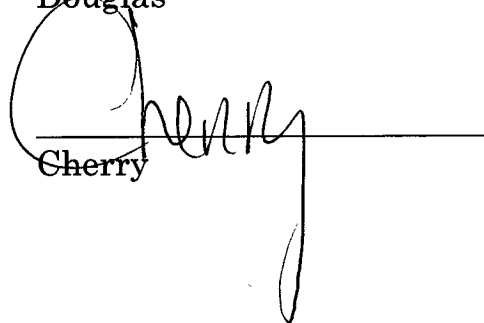
failed to specify (1) precisely which document(s) he is precluded from obtaining by virtue of the record being sealed and (2) the nexus between any sealed documents, which presumably relate to the merits of the claims below, and the challenged district court orders, which appear to implicate the enforceability of the parties' open-court settlement agreement—not the merits of petitioner's causes of action. Since it appears, then, that petitioner's purported inability to obtain any documents sealed in the district court record will not hamper his ability to challenge the dismissal of his case, any district court order sealing the record appears adequately challengeable in the context of petitioner's appeal from the final judgment in the underlying case.

Accordingly, we

ORDER the petition DENIED.¹²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

¹²Smith, 107 Nev. 674, 818 P.2d 849; Dangberg Holdings, 115 Nev. 129, 978 P.2d 311.

cc: Hon. Jessie Elizabeth Walsh, District Judge
Kristina Pickering, Settlement Judge
Christopherson Law Offices
Alverson Taylor Mortensen & Sanders
Eighth District Court Clerk