

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY GALOFARO,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE DOUGLAS
HERNDON, DISTRICT JUDGE; AND
THE JUSTICE COURT OF LAS VEGAS
TOWNSHIP, IN AND FOR THE
COUNTY OF CLARK, THE
HONORABLE NANCY C. OESTERLE,
JUSTICE OF THE PEACE,

Respondents,

and

ANDREA ELLEN SPONDER,
Real Party in Interest.

No. 48744

FILED

FEB 08 2007

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF CERTIORARI

In this original petition for a writ of certiorari, petitioner challenges a district court order that affirmed a judgment entered in the justice's court following a bench trial and a justice's court post-judgment order awarding attorney fees and costs.

A writ of certiorari is available to cure jurisdictional excesses when there is no plain, speedy, and adequate remedy at law, such as an appeal.¹ Whether to consider a petition for certiorari is within this court's

¹NRS 34.020(2); Watson v. Housing Authority, 97 Nev. 240, 627 P.2d 405 (1981).

discretion.² Generally, because the district court has final appellate jurisdiction over matters arising in the justice's court,³ we decline to exercise our discretion to consider petitions that challenge such matters, unless the district court has refused to act or has exceeded its jurisdiction, or unless unsettled issues of statewide importance are implicated.⁴ Moreover, it is petitioner's burden to demonstrate that our intervention by way of extraordinary relief is warranted, and petitioner must supply this court with copies of any order or parts of the record "which may be essential to an understanding of the matters set forth in the petition."⁵

Having considered this petition, we are not satisfied that our intervention by way of extraordinary relief is warranted. In her petition, Galaforo asserts that she raised in her appeal before the district court the same issues that she now raises in her petition. But the documents before us contain no indication that the district court refused to exercise its

²Dangberg Holdings v. Douglas Co., 115 Nev. 129, 138, 978 P.2d 311, 316 (1999) (recognizing that, if the act challenged in a certiorari petition was within the tribunal's jurisdiction, this court's review ends, even if the act was erroneous).

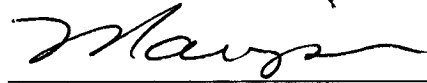
³Nev. Const. art. 6, § 6 (conferring upon the district court final appellate jurisdiction over all cases arising in the justice's court); State of Nevada v. Dist. Ct., 116 Nev. 127, 133-34, 994 P.2d 695, 692 (2000) (explaining that extraordinary writs generally will not issue to correct errors where the inferior tribunal has taken action, but instead are available only to control an arbitrary or capricious exercise of discretion when petitioner is without an adequate remedy at law).

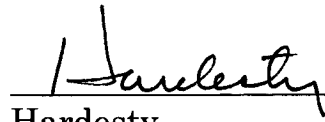
⁴State of Nevada, 116 Nev. at 134, 996 P.2d at 697.

⁵NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

appellate jurisdiction or that, in affirming the justice's court's orders, it exceeded its jurisdiction.⁶ Further, Galaforo has not shown that the issues presented in her petition are unsettled and of statewide importance.⁷ Accordingly, as Galaforo has not met her burden of demonstrating why writ relief is warranted, we

ORDER the petition DENIED.


_____, C. J.
Maupin


_____, J.
Hardesty


_____, J.
Saitta

cc: Hon. Douglas W. Herndon, District Judge
Hon. Nancy C. Oesterle, Justice of the Peace
Emerson & Manke, LLP
George T. Bochanis, Ltd.
Eighth District Court Clerk

⁶Although Galaforo purports to challenge the district court's order of affirmance, she failed to include that order with the documents that she submitted to this court in support of her certiorari petition.

⁷See Giordano v. Spencer, 111 Nev. 39, 42, 888 P.2d 915, 917 (1995) (providing that the credibility of witnesses and the weight to be given witness testimony is within the province of the fact finder); NRS 69.030 (authorizing justice's courts to grant an award of attorney fees to the prevailing party).