IN THE SUPREME COURT OF THE STATE OF NEVADA

LEE ANN LENHART,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE LISA KENT, DISTRICT JUDGE, FAMILY COURT DIVISION,
Respondents,
and
CHARLES RAY LENHART,
Real Party in Interest.

No. 48906

FILED

MAY 14 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying petitioner's motion to quash, and an oral ruling regarding petitioner's motion for reconsideration and motion to dismiss based on forum non conveniens in a divorce proceeding.

On August 25, 2006, real party in interest Charles Ray Lenhart, proceeding in proper person, filed a complaint for divorce in the Nevada district court. Petitioner Lee Ann Lenhart was served with the complaint and summons in California. Thereafter, Lee Ann filed a complaint for divorce in the California superior court.

On September 18, 2006, Lee Ann moved the Nevada district court to quash service and dismiss the divorce complaint. In her motion, Lee Ann asserted that Charles is not a Nevada resident and that the district court does not have personal jurisdiction over her.

After a hearing on Lee Ann's motion, the district court entered a written order denying it on the ground that Charles is a Nevada resident. In particular, the district court found that Charles resides, is registered to vote, and is licensed to drive, in Nevada. Thus, the district court concluded that it "has jurisdiction over issues relating to the marriage and any property in Nevada," and the court denied Lee Ann's motion. Thereafter, Lee Ann moved the district court for reconsideration and to dismiss the complaint on the basis of forum non conveniens; both motions were orally denied. This original writ petition followed.

Both mandamus and prohibition are extraordinary remedies, and it is within this court's discretion to determine if a petition will be considered.[1] Neither writ will issue, however, when the petitioner has a plain, speedy and adequate remedy in the ordinary course of law.[2]

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. In particular, once the district court enters a final divorce decree,[3] if

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[1]See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

[2]Pan v. Dist. Ct., 120 Nev. 222, 88 P. 3d 840 (2004) (recognizing that an appeal is an adequate legal remedy); NRS 34.170; NRS 34.330.

[3]The Clark County District Court website shows that on April 9, 2007, a divorce hearing was conducted in this matter and that a divorce was granted. This court may take judicial notice of district court docket entries that are "[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute." NRS 47.130(2)(b); see also Jory v. Bennight, 91 Nev. 763, 766, 542 P.2d 1400, 1403 (1975). As the district court's docket entries cannot reasonably be questioned with respect to

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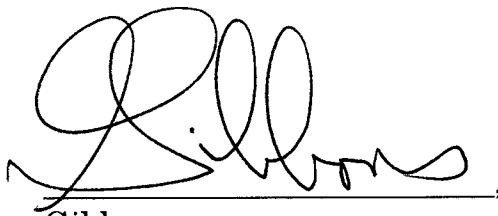
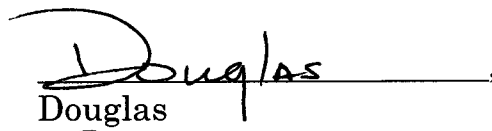
petitioner is aggrieved by the decree's terms, she can appeal.[4] The right to appeal is generally an adequate remedy that precludes writ relief.[5] Accordingly, we deny the petition.

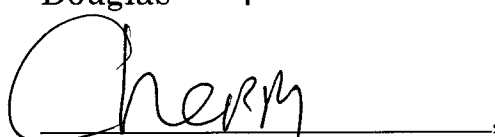
It is so ORDERED.[6]



_____, J.
Gibbons



_____, J.
Douglas



_____, J.
Cherry

cc: Hon. Lisa M. Kent, District Judge, Family Court Division
Gayle F. Nathan
Ryan & Ciciliano, LLC
Eighth District Court Clerk

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their accuracy, we take judicial notice that the entry of a divorce decree is imminent.

[4]See NRAP 3A(a) and (b)(1).

[5]See Pan, 120 Nev. 222, 88 P.3d 840.

[6]See NRAP 21(b). In light of this order, we deny as moot petitioner's request for a stay.