

IN THE SUPREME COURT OF THE STATE OF NEVADA

STAN P. MILLAN, AND MILLAN  
NEVADA, LLC, A NEVADA  
CORPORATION,  
Petitioners,

vs.

THE NINTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
DOUGLAS AND THE HONORABLE  
CHARLES M. MCGEE, SENIOR  
JUDGE,

Respondents,

and

DIVERSIFIED INVESTMENT  
ASSOCIATES, LLC,  
Real Party in Interest.

No. 49249

**FILED**

**JUN 08 2007**

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

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order granting a motion to dismiss counterclaims and denying leave to amend.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are without or in excess of the district court's jurisdiction.<sup>1</sup> Such a writ may issue only when there is no plain, speedy and adequate remedy at law.<sup>2</sup> Prohibition is an extraordinary remedy, the issuance of

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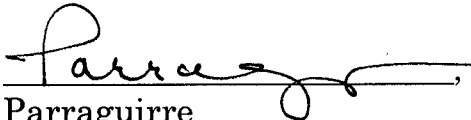
<sup>1</sup>See NRS 34.320.


<sup>2</sup>See NRS 34.330.

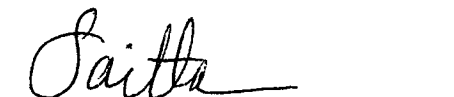
which is entirely discretionary with this court.<sup>3</sup> Finally, a petitioner seeking extraordinary relief has the burden of demonstrating that this court's intervention is warranted.<sup>4</sup>

Having considered the petition and its attachments, we are not persuaded that extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.<sup>5</sup>

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Saitta

cc: Chief Judge, Ninth Judicial District  
Hon. Charles M. McGee, Senior Judge  
Woodburn & Wedge  
Robison Belaustegui Sharp & Low  
Stoel Rives, LLP  
Douglas County Clerk

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<sup>3</sup>See, e.g., Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>4</sup>See Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004); NRAP 21(a).

<sup>5</sup>NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.