

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA TAX COMMISSION, AN
ADMINISTRATIVE AGENCY OF THE
STATE OF NEVADA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JOSEPH T. BONAVENTURE,
DISTRICT JUDGE,

Respondents,

and

CLARK COUNTY, NEVADA, A
POLITICAL SUBDIVISION OF THE
STATE OF NEVADA; AND CITY OF
HENDERSON, NEVADA, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Real Parties in Interest.

No. 49420

FILED

MAY 18 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 seeks to restrain the district court from conducting any further proceedings in the underlying judicial review matter, pending this court's resolution of a related appeal, Chanos v. Nevada Tax Commission, No. 48292.

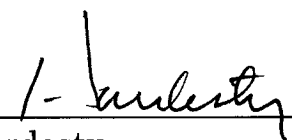
A writ of prohibition is available when a district court acts without or in excess of its jurisdiction.¹ Petitioner bears the burden of demonstrating that such an extraordinary remedy is warranted.²

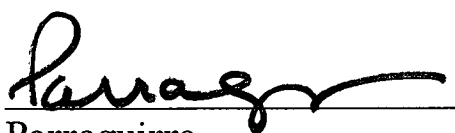
¹State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002); NRS 34.320.

²Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. In particular, petitioner has not demonstrated that, in exercising its jurisdiction to consider the underlying matter,³ the district court will in any way interfere with this court's jurisdiction over the Chanos appeal. Moreover, although the two matters may be closely related, it is well within the district court's discretion to determine whether the matter pending before it should be stayed.⁴ Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³See NRS 233B.130; NRS 360.245(7).

⁴See Maheu v. District Court, 89 Nev. 214, 217, 510 P.2d 627, 629 (1973) (holding that the district court "has broad discretion" to calendar the items before it, with which we generally will not interfere) (citing Landis v. North American Co., 299 U.S. 248, 254-55 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment which must weigh competing interests and maintain an even balance.")).

cc: Hon. Kathy Hardcastle, Chief Judge, Eighth Judicial District
Hon. Joseph T. Bonaventure, Senior Judge
McDonald Carano Wilson LLP/Reno
Clark County District Attorney David J. Roger/Civil Division
Henderson City Attorney
Eighth District Court Clerk