

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROSALIND HERMAN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JENNIFER TOGLIATTI, DISTRICT
JUDGE,

Respondents,

and

INDIANAPOLIS LIFE INSURANCE
COMPANY AND RUDY K.

MEISELMAN, M.D.,

Real Parties in Interest.

No. 50406

FILED

NOV 13 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges a district court order that denied petitioner's motion to stay enforcement of a foreign judgment and directed petitioner to undergo a judgment debtor examination.

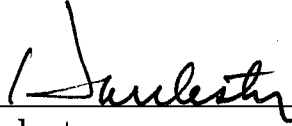
This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial function, when such proceedings are in excess of the district court's jurisdiction.¹ A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or an arbitrary or capricious

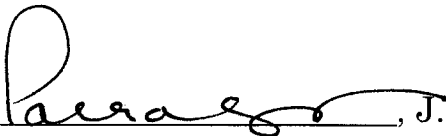
¹See NRS 34.320.

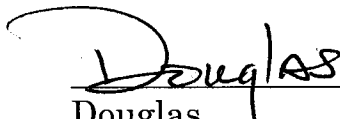
exercise of discretion.² Both prohibition and mandamus are extraordinary remedies, however, and whether a petition will be considered is within our discretion.³ Moreover, petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted.⁴

Having considered this petition and its supporting documents, we conclude that petitioner has not satisfied her burden to demonstrate that extraordinary relief is warranted. For instance, among the petition's numerous deficiencies,⁵ petitioner failed to provide us with all of the documentation "essential to an understanding of the matters set forth in the petition."⁶ Accordingly, we

ORDER the petition DENIED.⁷


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

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

³See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁴NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁵Among the petition's deficiencies, it was not accompanied by the required affidavit of the party beneficially interested or proofs of service. See NRS 34.170; NRS 34.330; NRAP 21(a).

⁶NRAP 21(a).

⁷Petitioner is still required to remit the \$250 fee for filing this petition. NRS 2.250(1)(a) and (c)(1).

cc: Hon. Jennifer Togliatti, District Judge
Lubritz Law Group
Blalock & Qualey
Nikolas L. Mastrangelo
Eighth District Court Clerk