

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAPITAL GROWTH, LLC, A NEVIS
LIMITED LIABILITY COMPANY; AND
KERRY ROGERS, AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

JOSEPH A. BRAVO; DAVID Z.
CHESNOFF; ECKLEY M. KEACH;
CAPITAL GROWTH LIMITED, INC., A
NEVADA CORPORATION; PUNTA
ARENA DE LA VENTANA, S.A. DE
C.V., A MEXICAN CORPORATION;
AND BOCA DE LA SALINA, SA DE
C.V., A MEXICAN CORPORATION,
Real Parties in Interest.

No. 50970

FILED

FEB 07 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order holding petitioner Kerry Rogers in contempt. Petitioners have also moved for a stay of the contempt order, pending our consideration of this petition.

We may issue a writ of prohibition to compel a district court to cease performing acts beyond its legal authority.¹ The writ will not issue, however, when the petitioners have a plain, speedy, and adequate remedy at law.² Because prohibition is an extraordinary remedy, whether a petition will be considered is entirely within our discretion.³ Moreover, petitioners bear the burden of demonstrating that extraordinary relief is warranted.⁴

We have held that interlocutory contempt orders are properly challenged by way of a petition for extraordinary relief.⁵ Civil contempt is remedial in nature and is intended to compel the contemnor's compliance.⁶ "Whether a person is guilty of contempt is generally within the particular knowledge of the district court, and the district court's order should not lightly be overturned."⁷ Finally, the district court has broad discretion to control the conduct of proceedings pending before it.⁸

¹NRS 34.320; Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

²NRS 34.330.

³Smith, 107 Nev. at 677, 818 P.2d at 851.

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

⁵Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).


⁶Rodriguez v. Dist. Ct., 120 Nev. 798, 805, 102 P.3d 41, 46 (2004).

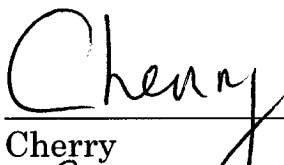
⁷Pengilly, 116 Nev. at 650, 5 P.3d at 571.

⁸State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 453, 92 P.3d 1239, 1244 (2004).

Having reviewed the petition and its supporting documentation, we are not persuaded that extraordinary relief is warranted. Accordingly, we deny the petition,⁹ and we deny the motion for stay as moot in light of this order.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hale Lane Peek Dennison & Howard/Las Vegas
Stinson Morrison Hecker LLP
Laxalt & Nomura, Ltd./Reno
Lionel Sawyer & Collins/Las Vegas
Murdock & Associates, Chtd.
Spilotro & Kulla
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Eighth District Court Clerk

⁹See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.