

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBIN A. DREW,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
KATHY A. HARDCASTLE, DISTRICT  
JUDGE,

Respondents,

and

MANPOWER OF SOUTHERN  
NEVADA,

Real Party in Interest.

No. 51265

**FILED**

MAR 19 2008

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

ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION OR MANDAMUS

This original proper person petition for a writ of prohibition or mandamus seeks an order either temporarily prohibiting the district court from proceeding with hearings regarding motions for stay or directing the district court to resolve the consolidated workers' compensation matters currently pending before it.

Specifically, petitioner contends that we should prevent the district court from proceeding with any hearings regarding motions for a stay, including the one allegedly scheduled for March 19, 2008, because the hearings could result in the withholding of her workers' compensation benefits. She asserts that no such hearing is warranted unless and until the following things occur: (1) the Nevada Division of Industrial Relations resolves issues related to real party in interest's (and its third-party administrator's) purported "lawbreaking," possibly by withdrawing its

self-insured employer status under NRS 616D.120; (2) the district court enters a final order resolving certain matters pending before it; (3) petitioner is informed of how to correct the actions or behavior that led to a suspension of benefits, which suspension any stay would prolong; and (4) the district court addresses unspecified procedural inequities with respect to the hearings, which could otherwise result in the denial of due process. In the alternative, petitioner asks that we direct the district court to resolve the consolidated matters pending before it, asserting that undue delay has jeopardized her workers' compensation benefits. Petitioner requests that we prohibit the court from adding any new cases to the consolidated matters below and, instead, direct that any incoming matter be assigned to a new docket.

A writ of prohibition is available when a district court acts without or in excess of its jurisdiction.<sup>1</sup> The counterpart to a writ of prohibition, a writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust or station,<sup>2</sup> or to control a manifest abuse of discretion.<sup>3</sup>

Under NRAP 21(a), a petition for extraordinary writ relief must contain, among other things, statements of "the facts necessary to an understanding of the issues presented by the application," the issues presented and the relief sought, and the reasons why the writ should

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

<sup>2</sup>NRS 34.160; Anzalone, 118 Nev. at 146-47, 42 P.3d at 237.

<sup>3</sup>Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

issue, as well as copies of any necessary parts of the record.<sup>4</sup> Thus, because a petitioner bears the burden of demonstrating that extraordinary relief is warranted,<sup>5</sup> she must provide the court with any and all materials that are “essential to an understanding of the matters set forth in the petition.”<sup>6</sup> Since this court is unable to properly evaluate petitions that fail to comply with NRAP 21(a), such petitions must be denied.<sup>7</sup>

Having reviewed this petition and its supporting documentation, we conclude that petitioner has not met her burden to show that our extraordinary intervention is warranted at this time. In particular, petitioner has not shown that any district court hearing, in and of itself, will infringe on her due process rights.<sup>8</sup> Further, the documents submitted to us do not fully explain any stay motion or the matters pending below, including to what action any stay would pertain, how many matters are consolidated below, what issues each of those matters involve, when any of those cases were filed in the district court and how long they have been pending there, or why they have not yet been resolved. As a result, notwithstanding petitioner’s unsupported accusations to the contrary, we are unable to determine whether the

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

<sup>5</sup>Id.

<sup>6</sup>NRAP 21(a).

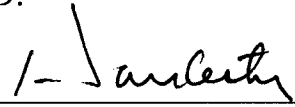
<sup>7</sup>Pan, 120 Nev. at 228-29, 88 P.3d at 844 (citing NRAP 21(a)).

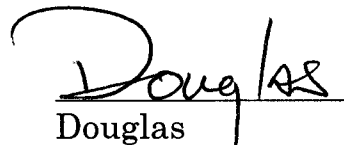
<sup>8</sup>See generally Conklin Ex Rel. v. Buckingham, 58 Nev. 450, 453, 83 P.2d 462, 463 (1938) (pointing out that a writ of mandamus is appropriate only when the petitioner has shown a clear legal right to the relief sought).


district court has manifestly abused its broad discretion to manage its caseload.

Although petitioner has not submitted all the documentation and explanations necessary for us to fully understand the issues presented in this petition, it is apparent that the underlying matters are extremely complicated and that they therefore will necessarily take some time to resolve; nonetheless, we trust that the parties and the district court will make every effort to ensure that the matters are resolved in a timely fashion. Accordingly, as petitioner has not met her burden to show that our extraordinary intervention is warranted at this time, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Kathy A. Hardcastle, District Judge  
Robin A. Drew  
Lynne & Associates  
Eighth District Court Clerk