

IN THE SUPREME COURT OF THE STATE OF NEVADA

RACHEL PARKER A/K/A RANDAHL
MAXWELL PARKER,
Petitioner,

vs.

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

Respondents,

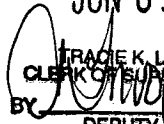
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 51608

FILED

JUN 03 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges a district court decision denying petitioner's motion in limine to exclude from her criminal case any mention of or testimony provided in proceedings under NRS Chapter 432B to determine whether petitioner's child is in need of protection. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted at this time. Accordingly, we deny the petition.¹

¹See NRAP 21(b).

Petitioner has also filed a motion to stay the NRS Chapter 432B proceeding. Petitioner argues that the civil proceeding should be stayed pending resolution of the criminal proceeding in order to fully protect her Fifth Amendment privilege against self-incrimination. While a district court may exercise its discretion in some instances to stay a civil proceeding pending the outcome of a parallel criminal proceeding in order to protect a criminal defendant's Fifth Amendment privilege against self-incrimination,² the instant petition is directed at the district court judge conducting the criminal proceeding and is not the proper vehicle for seeking a stay of the civil proceeding. Moreover, petitioner must seek a stay from the judge conducting the civil proceeding before seeking appropriate relief in this court. Therefore, under the circumstances presented, we also deny the motion for a stay without prejudice to petitioner's right to seek appropriate relief in the district court or through

²See Keating v. Office of Thrift Supervision, 45 F.3d 322, 324-25 (9th Cir. 1995) (explaining that although the U.S. Constitution does not require a stay of a civil proceeding pending the outcome of a parallel criminal proceeding, a trial court may stay a civil proceeding "when the interests of justice seem to require such action" and identifying relevant factors, including the extent to which the defendant's Fifth Amendment rights are implicated (internal quotation marks and citation omitted)); accord King v. Olympic Pipeline Co., 16 P.3d 45, 52-53 (Wash. Ct. App. 2000); see also United States v. Kordel, 397 U.S. 1, 9 (1970) (observing in dictum that if corporate officer could not answer interrogatories in civil proceeding without subjecting himself to risk of self-incrimination in related criminal proceeding, "the appropriate remedy would be a protective order . . . postponing civil discovery until termination of the criminal action").

an original writ petition seeking this court's intervention in the civil proceeding.³

It is so ORDERED.

Lilbons, C.J.

Mausin, J.

Lardesty, J.

cc: Hon. Douglas W. Herndon, District Judge
Christina A. DiEdoardo
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

³We express no opinion as to the merits of any such motion or original writ petition.