

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHWESTERN CARRIERS, INC.  
AND CALVIN DAVIS,  
Petitioners,

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  
TOMMY ROBERTS,  
Real Party in Interest.

No. 52752

FILED

APR 08 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Anderson  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to dismiss a tort action. The motion was based on the fact that the original complaint was filed by a California attorney who had not yet applied for pro hac vice admission and had not associated with local, Nevada-licensed counsel.

A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, however, and the decision to entertain such a petition is addressed to our sole discretion. See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982). Generally, this court will not exercise its discretion to consider writ petitions challenging district court orders that deny motions to dismiss, unless pursuant to clear authority under a statute or rule, the district

court is obligated to dismiss the action, or an important issue of law requires clarification. Smith v. District Court, 113 Nev. 1343, 1344-45 950 P.2d 280, 281 (1997). Petitions for extraordinary relief generally may only issue when there is no plain, speedy, and adequate remedy at law. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioners bear the burden to demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

Having considered the petition and supporting documentation, we are not persuaded that our intervention by way of extraordinary relief is warranted. In particular, we are not persuaded that the district court had a clear legal duty to dismiss the complaint. See Ford Motor Credit Co. v. Crawford, 109 Nev. 616, 855 P.2d 1024 (1993). Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Jennifer Togliatti, District Judge  
Alverson Taylor Mortensen & Sanders  
Caruso Law Offices  
Chris Connolly Esq.  
Eighth District Court Clerk