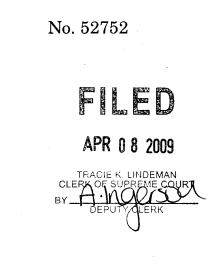
IN THE SUPREME COURT OF THE STATE OF NEVADA

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.



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. <u>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman</u>, 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. <u>See Poulos v. District Court</u>, 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

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court is obligated to dismiss the action, or an important issue of law requires clarification. <u>Smith v. District Court</u>, 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. <u>Pan v.</u> <u>Dist. Ct.</u>, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioners bear the burden to demonstrate that our extraordinary intervention is warranted. <u>Id.</u> 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. <u>See Ford Motor Credit Co.</u> <u>v. Crawford</u>, 109 Nev. 616, 855 P.2d 1024 (1993). Accordingly, we

ORDER the petition DENIED.

Cherry J. Saitta J.

Gibbons

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

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