

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM BARTLETT,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
DAVID A. HARDY, DISTRICT JUDGE,
FAMILY COURT DIVISION,

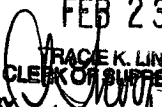
Respondents,

and

BETTY BRYANT AND GUARDIANSHIP
SERVICES OF NEVADA, A NEVADA
CORPORATION,
Real Parties in Interest.

No. 53202

FILED

FEB 23 2009
TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order directing petitioner to appear and answer upon oath allegations regarding suspected concealment, conversion, or disposition of an adult ward's property, as set forth in NRS 159.305. Petitioner asserts that the district court lacks authority to hold the "show cause" hearing, which apparently is scheduled for April 7, 2009, because no valid guardianship existed on the dates at issue, due to notice violations and the temporary guardianship's automatic expiration.

A writ of prohibition is available to arrest a district court's extrajurisdictional proceedings. NRS 34.320. Prohibition is an extraordinary remedy, however, and whether a petition will be considered

is entirely within our discretion. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). The petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

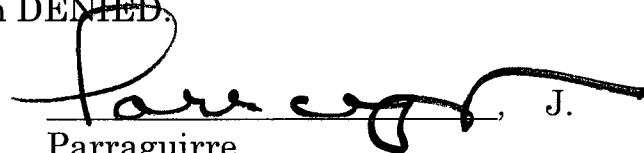
When a guardian or interested person files a petition alleging that someone may have “concealed, converted to his own use, conveyed away or otherwise disposed of any money, good, chattel or effect of the ward,” or has information concerning the ward or proposed ward’s property, NRS 159.305 allows the district court to direct the person to appear and answer, upon oath, the petition. In this matter, the district court directed petitioner to appear and answer the real parties in interest’s petition; nothing in the court’s order suggests that petitioner is likely to be held in contempt.¹

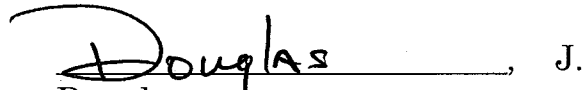
Having considered this writ petition, we conclude that our extraordinary intervention is not warranted at this time. The district court has authority under NRS 159.305 to direct petitioner to appear and answer the petition below. This writ petition must therefore be denied. See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). In answering the petition before the district court, petitioner may, if necessary, raise her arguments regarding whether a valid guardianship existed. If petitioner is aggrieved by the district court’s

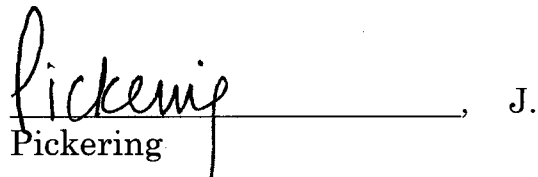
¹No copy of real parties in interest’s NRS 159.305 petition was submitted with this petition, which has impaired our ability to review this matter. See NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

resolution of this matter, she may file a new writ petition in this court challenging the resulting district court order. Accordingly, we

ORDER the petition DENIED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. David A. Hardy, District Judge
K. Sue Trimmer
White Law Chartered
Stanley H. Brown Jr.
Michael A. Rosenauer
Washoe District Court Clerk