

IN THE SUPREME COURT OF THE STATE OF NEVADA

TEDDIE TEEGARDEN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK, AND THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT JUDGE,
Respondents,
and
TAMARA HALLOCK,
Real Party in Interest.

No. 53488

FILED

JUL 31 2009

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

ORDER GRANTING PETITION
FOR WRIT OF MANDAMUS

This original petition for writs of mandamus or prohibition challenges a district court order granting a motion to dismiss or quash service for lack of personal jurisdiction.

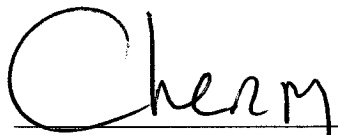
This case involves a Clark County, Nevada automobile accident between petitioner Teddie Teegarden and the defendant in the underlying action, Donald Berry. Teegarden eventually brought a negligence claim against Berry and was subsequently granted leave to amend his complaint to add real party in interest Tamara Hallock, Berry's wife, as a defendant. Hallock is a resident of California and was served at her residence in that state. Hallock subsequently moved to dismiss or quash service of process arguing that the district court lacked personal jurisdiction over her as she is not a Nevada resident and did not have sufficient minimum contacts with the state to effectively establish jurisdiction over her. Teegarden opposed the motion, arguing that sufficient contacts with Nevada existed to establish personal jurisdiction over Hallock. The district court ultimately granted Hallock's motion to dismiss or quash service of process. This petition followed.


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, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320. Neither mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. Both mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Nevada's long-arm statute provides that "[a] court of this state may exercise jurisdiction over a party to a civil action on any basis not inconsistent with the Constitution of this state or the Constitution of the United States." See NRS 14.065(1). For personal jurisdictional purposes, this court has recognized that due process is satisfied if: (1) the defendant has "minimum contacts" with the forum state so that the "traditional notions of fair play and substantial justice" are not offended, and (2) the forum state's exercise of jurisdiction is reasonable. Baker v. Dist. Ct., 116 Nev. 527, 531-32, 999 P.2d 1020, 1023 (2000) (citing Mizner v. Mizner, 84 Nev. 268, 270, 439 P.2d 679, 680 (1968)). With regard to minimum contacts with the forum state, the defendant "should reasonably anticipate being haled into court there." Emeterio v. Clint Hurt and Assocs., 114 Nev. 1031, 1035, 967 P.2d 432, 435 (1998) (internal quotations omitted).

Having considered the petition, answer, and the supporting documents, we conclude that the district court manifestly abused its discretion in granting Hallock's motion because sufficient minimum contacts exist to support Nevada's exercise of personal jurisdiction over Hallock, and the exercise of personal jurisdiction by Nevada courts is reasonable. See Stevenson v. Brosdal, 813 So. 2d 1046, 1048 (Fla. Dist. Ct. App. 2002) (concluding that consenting to the operation of a vehicle in that state "takes this case out of the realm of mere foreseeability and into the realm of sufficient minimum contacts"); see also Baker, 116 Nev. at 531-32, 999 P.2d at 1023. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS directing the district court to vacate its order granting Hallock's motion to dismiss or quash service of process and enter an order denying that motion.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Vannah & Vannah
Wood, Smith, Henning & Berman, LLP
Eighth District Court Clerk

¹As we conclude that mandamus presents the appropriate remedy in this case, we need not consider Teegarden's alternate request for a writ of prohibition.