

IN THE SUPREME COURT OF THE STATE OF NEVADA

PROFESSIONAL NETWORKERS, INC.,
A KANSAS CORPORATION; AND
MIKE AKINS, AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
STEFANY ANN MILEY, DISTRICT
JUDGE,

Respondents,

and

ARTHUR LACOSTE, AN INDIVIDUAL,
Real Party in Interest.

No. 54219

FILED

OCT 08 2009

THACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITON

This is an original petition for a writ of prohibition challenging a district court order denying, in part, petitioners' motion to dismiss a contract action for lack of personal jurisdiction.

A writ of prohibition is available when a district court acts without or in excess of its jurisdiction. NRS 34.320. Such writ will not be issued when the petitioners have a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.330. Whether a petition for a writ of prohibition will be considered is purely discretionary with this court. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear the burden of demonstrating that such extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the petition and documents provided by petitioners, we conclude that they have not demonstrated that extraordinary writ relief is warranted. Id.; see also Hospital Corp. of America v. Dist. Court, 112 Nev. 1159, 924 P.2d 725 (1996) (noting that a defendant may require plaintiffs to show personal jurisdiction by a preponderance of the evidence at trial). Accordingly, we order the petition denied. See NRAP 21(b); Smith, 107 Nev. 677, 818 P.2d 851.

It is so ORDERED.¹

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Stefany Miley, District Judge
Rainey Legal Group, PLLC

¹We admonish petitioners' counsel for failure to comply with the necessary requirements for filing an emergency writ petition. See NRAP 21(a)(6); NRAP 27(e).

David J. Merrill
Eighth District Court Clerk