

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL DEPOSIT INSURANCE  
CORPORATION, IN ITS CAPACITY AS  
RECEIVER FOR FIRST NATIONAL BANK  
OF NEVADA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK, AND  
THE HONORABLE DOUGLAS SMITH,  
DISTRICT JUDGE,

Respondents,

and

MATT CONSTRUCTION, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; IMG  
MECHANICAL, AN UNKNOWN ENTITY;  
BRUIN PAINTING CORP., A CALIFORNIA  
CORPORATION; COMMERCIAL CABINET  
COMPANY, A NEVADA CORPORATION;  
AND JMD, AN UNKNOWN ENTITY,  
Real Parties in Interest.

No. 54531

**FILED**

**SEP 15 2009**

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

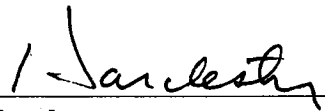
ORDER DENYING PETITION  
FOR WRITS OF PROHIBITION AND MANDAMUS


This original petition for writs of prohibition and mandamus seeks to prevent the district court from holding a lien priority hearing on September 14, 2009, and from entering any order that adjudicates lien priorities between petitioner and real party in interest Matt Construction, LLC.

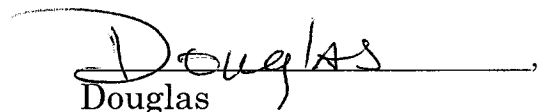
With respect to petitioner's request for a writ of prohibition preventing the district court from holding the September 14 hearing to adjudicate lien priorities, the hearing date has passed, and therefore, the requested relief is unavailable. Consequently, petitioner's request as to

the September 14 hearing is denied as moot. University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004). Regarding petitioner's request for relief from any order the district court enters that determines priorities between it and Matt Construction, such a request is premature. Accordingly, we

ORDER the petition DENIED.

 \_\_\_\_\_, C.J.  
Hardesty

 \_\_\_\_\_ J.  
Parraguirre

 \_\_\_\_\_ J.  
Douglas

cc: Hon. Douglas Smith, District Judge  
Gerrard Cox & Larsen  
Lionel Sawyer & Collins/Las Vegas  
Peel Brimley LLP  
Patrick N. Chapin  
Clarkson Draper & Beckstrom, LLC  
Peel Brimley LLP  
Pezzillo Robinson  
Eighth District Court Clerk