

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, INC., A NEVADA CORPORATION; AND JMD, AN UNKNOWN ENTITY, Real Parties in Interest.

No. 54654

FILED

JUN 10 2010

TRACEY K. WINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

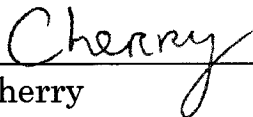
This original petition for a writ of mandamus challenges a district court order determining lien priorities in a mechanic's lien action.

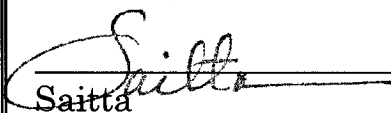
Petitioner Federal Deposit Insurance Corporation (FDIC), as the receiver for First National Bank of Nevada, asserts that the district court improperly adjudicated the priority of its deed of trust when determining mechanic's lien priorities, because the cause of action against it was dismissed by the federal district court, rendering the state district court without jurisdiction over it. As directed, real parties in interest filed answers and/or joinders, primarily contesting FDIC's status as a party


entitled to remove the action to federal court and to participate below, since the complaint named First National Bank and no substitution or intervention occurred. Real parties in interest also assert that the federal court dismissed FDIC but not the claim against First National Bank, that the Nevada district court has jurisdiction over the mechanic's lien action, and that due notice and opportunity to be heard was given.

Having considered the parties' arguments and supporting documentation, we conclude that the district court did not manifestly abuse its discretion in proceeding to adjudicate the lien priorities. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Accordingly, we decline to exercise our extraordinary intervention, and we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

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