

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL WINTER, AN INDIVIDUAL;
FEDERAL STREET FUNDING, LLC,
AN ILLINOIS LIMITED LIABILITY
CORPORATION; FEDERAL STREET
HOLDING I, LLC, AN ILLINOIS
LIMITED LIABILITY CORPORATION;
FEDERAL STREET HOLDING II, LLC,
AN ILLINOIS LIMITED LIABILITY
CORPORATION; AND FEDERAL
STREET INVESTMENT I, LLC, AN
ILLINOIS LIMITED LIABILITY
CORPORATION,

Petitioners,

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

ROBERT MANCARI, AN INDIVIDUAL,
Real Party in Interest.

No. 55125

FILED

FEB 05 2010

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

ORDER DENYING PETITION FOR WRIT OF PROHIBITION


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

A writ of prohibition is available when the district court acts without or in excess of its jurisdiction. NRS 34.320. When personal jurisdiction is challenged, a writ of prohibition is the appropriate remedy for a district court's refusal to dismiss a case or quash service of process.

Arbella Mut. Ins. Co. v. Dist. Ct., 122 Nev. 509, 512 n.1, 134 P.3d 710, 712 n.1 (2006); Trump v. District Court, 109 Nev. 687, 692, 857 P.2d 740, 743 (1993). 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 appendix, we are not persuaded that extraordinary writ relief is warranted in this case. Accordingly, we deny the petition. NRAP 21(b)(1); Smith, 107 Nev. 674, 818 P.2d 849.


It is so ORDERED.¹

 _____, J.

Cherry

 _____, J.

Saitta

 _____, J.

Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Santoro, Driggs, Walch, Kearney, Holley & Thompson
Chesnoff & Schonfeld
Eighth District Court Clerk

¹We deny, as moot, petitioners' stay request in their petition.