

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT E. MCLAUHLAN,
Petitioner,

vs.

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

Respondent,

and

ACUMEN ENTERTAINMENT GROUP,
INC., A NEVADA CORPORATION; ROBERT
L. DEAKIN AND TERRY KRAEMER, D/B/A
POP CULTURE GRAPHICS, AND AS
DIRECTORS OF ACUMEN
ENTERTAINMENT GROUP, INC.,
Real Parties in Interest.

No. 55315

FILED

JAN 25 2010

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

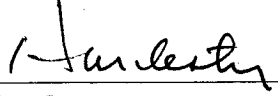
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus seeks this court's review of various evidentiary-related rulings by the district court and to temporarily stay the resumption of a district court contempt hearing pending that review.


We have considered the petition, and we are not satisfied that this court's extraordinary intervention is warranted, because we are not persuaded that the district court has manifestly abused its discretion in proceeding with today's contempt hearing. In particular, according to petitioner, the respondent district court judge has not yet ruled on whether any evidence obtained by the disputed subpoenas will be admitted at the contempt hearing, and petitioner has failed to show that the disclosure of any such evidence is improper. See Hetter v. District

Court, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994) (noting that mandamus is appropriate to vacate discovery orders that improperly require the disclosure of privileged information). Further, with regard to petitioner's ability to attend or assist with the hearing and to conduct further discovery, petitioner has not demonstrated that those issues were raised below, and they are of the type that should be resolved by the district court in the first instance. See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Finally, petitioner failed to submit documents relevant to the review requested of this court, including a copy of the November 2009 injunctive order, the disputed subpoenas, and minutes of the district court's January 20, 2009, oral ruling. NRAP 21(a). Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Goold Patterson Ales & Day
Greenberg Traurig, LLP
Ham Galliher, LLP
Eighth District Court Clerk