

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEWMONT USA LIMITED AND
NEWMONT GOLD COMPANY,
Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND THE
HONORABLE JAMES E. WILSON,
DISTRICT JUDGE,

Respondents,

and

CHARLES WHITE,
Real Party in Interest.

No. 56020

FILED

JUN 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Mody
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order setting aside a previous grant of summary judgment and an order denying reconsideration of that order.

A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320. Prohibition will not issue when the petitioners have a plain, speedy, and adequate remedy at law. NRS 34.330. A writ of prohibition is an extraordinary remedy, and whether such a petition will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered this petition, we are not satisfied that our intervention by way of extraordinary relief is warranted. Accordingly, we

deny the petition. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1).

IT IS SO ORDERED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Piscevich & Fenner
Diaz & Galt, LLC
Carson City Clerk