

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORM BEVAN, AN INDIVIDUAL; AND
MILLENNIUM MARKETING GROUP,
LLC, A TEXAS 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

JOHN GOYAK, AN INDIVIDUAL; AND
JOHN GOYAK AND ASSOCIATES, A
NEVADA CORPORATION,

Real Parties in Interest.

No. 56170

FILED

JUL 26 2010

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR WRIT OF PROHIBITION

This original petition for a writ of mandamus or, alternatively, a writ of prohibition challenges a district court order denying petitioners' motion to dismiss or for summary judgment in an insurance action.

This court will generally not intervene to consider writ petitions challenging district court orders denying motions to dismiss, unless "pursuant to clear authority . . . the district court is obligated to dismiss an action" or there is an important issue of law requiring clarification. Smith v. District Court, 113 Nev. 1343, 1345, 950 P.2d 280, 950 P.2d 280, 281 (1997). Although petitioners assert that this case presents an issue of whether this court should adopt the pleading standard provided for the federal rules of civil procedure by the United States Supreme Court in Bell Atlantic Corp. v. Twombly, 550 U.S. 544

(2007), and Ashcroft v. Iqbal, 129 S. Ct. 1937 (2009), the district court considered matters outside the pleadings and resolved this matter under a summary judgment standard. Under these circumstances, our intervention by way of extraordinary relief is not warranted. Smith, 113 Nev. at 1344-45, 950 P.2d at 281; see also Pan v. Dist. Ct., 120 Nev. 222, 224, 8 P.3d 840, 841 (2004) (explaining that an appeal is generally an adequate legal remedy precluding writ relief).¹ Moreover, from our review of the documentation included with the writ petition, it appears that at least one cause of action would remain in real parties in interest's complaint even if this court were to grant in its entirety the relief that petitioners seek. This court has previously acknowledged that writ relief is not warranted when resolution will not dispose of the entire controversy. See Moore v. District Court, 96 Nev. 415, 416, 610 P.2d 188, 189 (1980). Accordingly, we

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Kathleen E. Delaney, District Judge
Littler Mendelson/Las Vegas
Chesnoff & Schonfeld
Eighth District Court Clerk

¹Petitioners are free to raise these issues in any appeal from a district court final judgment, if aggrieved.