

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN R. MCMILLAN, INDIVIDUALLY;
AND FLANGAS MCMILLAN LAW
GROUP, INC.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE VALORIE VEGA,
Respondents,

and

RITA A. QUAM FAMILY TRUST
THROUGH ITS TRUSTEE RITA A.
QUAM; AND TELEPHONE
EQUIPMENT SERVICES
CORPORATION,
Real Parties in Interest.

No. 56709

FILED

NOV 10 2010

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

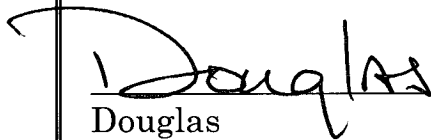
This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to dismiss a tort action.

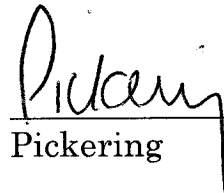
This court will generally not intervene to consider writ petitions challenging district court orders denying motions to dismiss, unless "pursuant to clear authority . . . the district court is obligated to dismiss an action" or there is an important issue of law requiring clarification. Smith v. District Court, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). Here, in light of the complex factual background and the resulting factual disputes, we are not persuaded that the district court had a clear legal duty to dismiss the amended complaint at the pleading stage. Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Moreover, our review of the documentation included with the writ petition

indicates that several claims would remain pending 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, 416-17, 610 P.2d 188, 189 (1980). Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Valorie Vega, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Joseph Y. Hong
Jennings, Strouss & Salmon, PLC
Eighth District Court Clerk