

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHEREE KESSLER,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF WASHOE; AND THE
HONORABLE CONNIE J.

STEINHEIMER, DISTRICT JUDGE,
Respondents,

and

MARY V. GIBBONS AND MEADOW
WILLIAMS, AS THE SUCCESSOR
CO-TRUSTEES OF THE GERALD A.
KESSLER 1997 QUALIFIED
GRANTOR RETAINED ANNUITY
TRUST, AND THE SUBTRUSTS
CREATED THEREUNDER; THE
GERALD A. KESSLER 1997 TRUST
AGREEMENT #1, DATED APRIL 15,
1997; THE GERALD A. KESSLER
1997 TRUST AGREEMENT #2,
DATED APRIL 15, 1997; AND THE
GERALD A. KESSLER 1999 TRUST
AGREEMENT, DATED JANUARY 1,
1999,

Real Parties in Interest.

No. 57520

FILED

FEB 10 2011

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges the district court's denial of petitioner's motion to quash service of process or dismiss the underlying case.

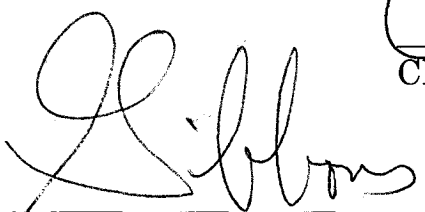
Petitioner bears the burden of demonstrating that this court's intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). In order to meet that burden, the petition must be accompanied by an appendix that includes "a copy of any order or opinion, parts of the record before the respondent judge, corporation, commission, board or officer, or any other original document that may be essential to understand the matters set forth in the petition."¹ NRAP 21(a)(4); Pan, 120 Nev. at 228, 88 P.3d at 844. Here, petitioner has failed to provide, among other things, any of the motions papers submitted to the probate commissioner pertaining to her motion to quash, a copy of the commissioner's decision on her motion, any of the pleadings submitted to the district court regarding her challenge to the commissioner's decision, transcripts from the proceedings before the commissioner and district court related to the motion to quash, and a copy of the May 2009 objection filed by her out-of-state counsel, which formed the basis of the district court's conclusion that it could exercise jurisdiction over petitioner.


Thus, based on our review of the limited documentation before us, we conclude that petitioner has failed to meet her burden of

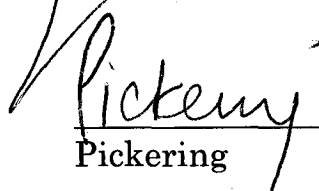
¹NRAP 21(a)(4) also requires that an appendix submitted in support of a petition comply with NRAP 30. Here, petitioner has failed to comply with NRAP 30(c)(1)'s requirement that "[e]ach page of the appendix shall be numbered consecutively" and NRAP 30(c)(2)'s requirement that an index be provided indicating the volume and page of the appendix where each document contained therein can be located.

demonstrating that this court's intervention by way of extraordinary relief is warranted. Id. Accordingly, we deny the petition.²

It is so ORDERED.³


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Fry & Berning, LLC
McDonald Carano Wilson LLP/Reno
Adam Streisand, Esq.
Washoe District Court Clerk

²We note that our denial of this petition is without prejudice to petitioner's right to file a new petition in this court challenging the district court's decision, accompanied by all necessary supporting documents.

³In light of this order, we deny as moot petitioner's motion for a stay and disapprove as moot the parties' stipulation to extend the time for opposing the stay motion.