

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLEY FUNERAL HOME,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, IN AND FOR THE  
COUNTY OF CLARK; AND THE HONORABLE  
SUSAN SCANN, DISTRICT JUDGE,

Respondents,

and

DOROTHY DOUGLAS, AN INDIVIDUAL;  
NANCY DOUGLAS, AN INDIVIDUAL;  
CHERISE BENSON, AN INDIVIDUAL; JACKIE  
COOK DOUGLAS, AN INDIVIDUAL;  
DEWAYNE DOUGLAS, AN INDIVIDUAL;  
JACKSON DOUGLAS, JR, AN INDIVIDUAL;  
KEVIN FINES, AN INDIVIDUAL; RAMON  
RICHEY, AN INDIVIDUAL; SONETTA  
TENNER, AN INDIVIDUAL; TYRONE  
WASHINGTON, AN INDIVIDUAL; NORKIDA  
SMITH, AN INDIVIDUAL; WILLIE  
ANDERSON, AN INDIVIDUAL; NIKKICHA  
HALL-MILLS, AN INDIVIDUAL; STEVEN DE  
LONG, AN INDIVIDUAL; CHEOLA DOUGLAS,  
AN INDIVIDUAL; KENYATTA DOUGLAS, AN  
INDIVIDUAL; PASHION MCDAVID, AN  
INDIVIDUAL; FREDDY LEE DOUGLAS, AN  
INDIVIDUAL; BUNKERS EDEN VALE  
MEMORIAL PARK; AND BUNKERS  
MORTUARIES, CEMETARIES & CREMATORY  
CARRIAGE FUNERAL HOLDINGS, INC., A  
FOREIGN CORPORATION D/B/A BUNKERS  
EDEN VALE MORTUARY,  
Real Parties in Interest.

No. 58107

**FILED**

FEB 06 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Angenau*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to dismiss the underlying complaint on statute of limitations grounds.

Real parties in interest submitted their complaint for electronic filing within the statute of limitations period, but the filing of that document was rejected because they had checked more than one box on the civil cover sheet accompanying their complaint. Real parties in interest then resubmitted the complaint, which was successfully filed, albeit outside of the limitations period. Petitioner then moved to dismiss the complaint on statute of limitations grounds and real parties in interest opposed the motion. Following a hearing, the district court denied petitioner's motion and, in so doing, concluded that the complaint was deemed filed when it was first received electronically by the Eighth Judicial District Court on October 28, 2010. This petition followed.

Having considered the petition and its supporting documents, as well as the answer and reply filed in this matter, we conclude that the petition should be denied. Our resolution of this matter is controlled by Nevada Electronic Filing and Conversion Rule 15(b). Pursuant to that rule,

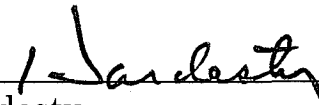
[w]hen [a] technical failure prevents timely filing or affects jurisdiction, the issue shall come before the court upon notice and opportunity to be heard. The court may upon satisfactory proof enter an order permitting the document to be filed as of the date and time it was first attempted to be sent electronically.


NEFCR 15(b). As set forth above, the timeliness of the filing of real parties in interest's complaint was brought before the district court by petitioner's motion to dismiss, and following the briefing of the matter and a hearing, the district court denied the motion and concluded that the complaint was deemed filed on October 28, 2010, the date it was received. Moreover, the record before us supports the district court's conclusion that the complaint was initially received on October 28, 2010. Indeed,

petitioner does not dispute that the complaint was initially received on that date. Accordingly, as petitioner's motion was properly denied, NEFCR 15(b), we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Susan Scann, District Judge  
David L. Riddle & Associates  
Snell & Wilmer, LLP/Las Vegas  
Kajioka & Bloomfield  
Eighth District Court Clerk