

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK A. JAMES, AN INDIVIDUAL;  
AND THE JAMES FAMILY TRUST,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARK R. DENTON, DISTRICT  
JUDGE,

Respondents,

and

OB1, LLC, A NEVADA LIMITED  
LIABILITY COMPANY; AND  
STEPHEN M. KALISH, AN  
INDIVIDUAL,  
Real Parties in Interest.

No. 58168

**FILED**

**JUN 30 2011**

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus sought to prevent petitioner Mark James' deposition before real parties in interest produced certain text messages. We initially granted a stay, which was later vacated after real parties in interest produced the documents in question. Real parties in interest have moved to dismiss the petition as moot, and petitioners have filed an opposition. Having considered the motion and opposition, we conclude that this petition is moot and must therefore be denied. Personhood Nevada v. Bristol, 126 Nev. \_\_\_, 245 P.3d 572 (2010). The sole focus of the petition was the text messages that have

been produced. Disputes over any additional documents must be litigated in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

cc: Hon. Mark R. Denton, District Judge  
Gordon & Silver, Ltd.  
Snell & Wilmer, LLP/Las Vegas  
Pisanelli Bice, PLLC  
Eighth District Court Clerk

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<sup>1</sup>We deny real parties in interest's motion for sanctions.