

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SCOTT LEWIS,
Petitioner,

vs.

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

Respondents,

and

MICHELLE LOURDES LEWIS,
Real Party in Interest.

No. 58301

FILED

MAY 10 2011

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

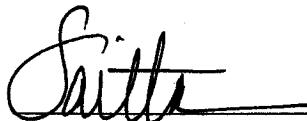
ORDER DENYING PETITION FOR WRIT OF PROHIBITION

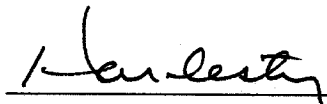
This original petition for a writ of prohibition seeks to prevent a district court contempt hearing set for today, May 10, 2011, at 1:30 p.m. Specifically, petitioner apparently has not paid an attorney fees award entered against him, despite several orders and a previous contempt finding.

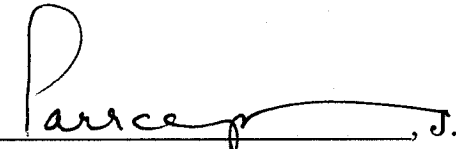
In upholding the attorney fees award at issue, the district court minutes reflect that the parties' prenuptial agreement "specifically excluded issues that had to be addressed in the event that children were born of the marriage"; petitioner did not include a copy of the agreement itself, and so we presume that it supports the district court's finding. Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Petitioner's submissions to this court indicate that the district court upheld the \$3,500 award as having been incurred in litigation concerning child custody issues. The district court minutes and orders provided by petitioner demonstrate that custody issues were in fact litigated.

Prohibition is available when the district court exceeds its jurisdiction. NRS 34.320. Under these circumstances, we are not persuaded that the prenuptial agreement deprived the district court of jurisdiction to enter an interim fees award for issues that were expressly excluded from the agreement. Petitioner bears the burden to demonstrate that writ relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004). We conclude that petitioner has not met his burden in this case and therefore

ORDER the petition DENIED.¹


Saitta _____, J.
Saitta


Hardesty _____, J.
Hardesty


Parraguirre _____, J.
Parraguirre

cc: Hon. Robert Teuton, District Judge, Family Court Division
Ciciliano & Associates, LLC
Christopher D. Carr
Eighth District Court Clerk

¹Petitioner's motion for stay is denied as moot in light of this order.