

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTORIA M. GIAMPA, ON BEHALF OF  
S.G., A MINOR, AND M.G., A MINOR,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE DOUGLAS W.  
HERNDON, DISTRICT JUDGE,

Respondents,

and

BRYCE C. DUCKWORTH, ESQ.,

INDIVIDUALLY AND

PROFESSIONALLY; SMITH LARSEN &

WIXOM, A NEVADA CORPORATION;

CHARLES F. GIAMPA, INDIVIDUALLY

AND PROFESSIONALLY; DISTRICT

COURT JUDGE GLORIA S. SANCHEZ,

INDIVIDUALLY AND IN HER

OFFICIAL CAPACITY; DISTRICT

COURT JUDGE SANDRA L.

POMRENZE, INDIVIDUALLY AND IN

HER OFFICIAL CAPACITY; DR. LOUIS

MORTILLARO, PH.D., INDIVIDUALLY

AND PROFESSIONALLY; EIGHTH

JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA, IN AND FOR THE

COUNTY OF CLARK; CHUCK SHORT,

IN HIS OFFICIAL CAPACITY AS PAST

ADMINISTRATOR OF THE EIGHTH

JUDICIAL DISTRICT COURT; COUNTY

OF CLARK, A POLITICAL

SUBDIVISION OF THE STATE OF

NEVADA, IN THEIR OFFICIAL AND

INDIVIDUAL CAPACITIES; DAVID

ROGER, IN HIS OFFICIAL CAPACITY

No. 58660

**FILED**

DEC 05 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

AS DISTRICT ATTORNEY FOR CLARK COUNTY; CLARK COUNTY DEPARTMENT, FAMILY COURT DIVISION, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA; STATE OF NEVADA SUPREME COURT; STATE OF NEVADA LEGISLATURE; AND CATHERINE CORTEZ MASTO, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF NEVADA,  
Real Parties In Interest.

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION


This is an original proper person writ petition seeking mandamus and prohibition relief.


Writ relief is generally available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160. A writ of prohibition may issue to confine the district court to the proper exercise of its prescribed jurisdiction when the court has acted in excess of its jurisdiction. NRS 34.320. The issuance of a writ of mandamus or prohibition is purely within this court's discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991). Having reviewed the petition, we decline to

exercise our discretion to consider this petition. Id.; NRAP 21(b)(1).

Accordingly, we

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

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Victoria M. Giampa  
Attorney General/Las Vegas  
Charles Frank Giampa  
Attorney General/Carson City  
Eighth District Court Clerk

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<sup>1</sup>We note that this court, as a whole, is listed as a party in the caption of this original writ petition, although nothing in the petition indicates that petitioner is raising issues as to the dismissal of this court from the underlying case. Despite these circumstances, however, we determine that we have a duty to sit and decide this matter. See In re Ross, 99 Nev. 1, 10, 656 P.2d 832, 837 (1983) (recognizing the “rule of necessity” exception to judicial qualification, in which disqualification is inappropriate when such disqualification “would leave the parties without a forum”).