

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN SOUTHWORTH,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE MICHAEL L. DOUGLAS,
DISTRICT JUDGE,

Respondents,

and

SHERRY FEIBISH,

Real Party In Interest.

No. 35419

FILED

MAR 10 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order denying petitioner's motion to dismiss the complaint for failure to serve the complaint within 120 days under NRCP 4(i). We have considered the petition, and the answer thereto, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition. See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

It is so ORDERED.¹

Maupin

Maupin J.

Shearing

Shearing J.

Becker

Becker J.

¹We disapprove of the district court's decision in this case to permit the real party in interest to file an amended complaint, rather than extending the time for service under NRCP 6(b). See Lacey v. Wen-Neva, Inc., 109 Nev. 341, 849 P.2d 260 (1993) (holding that service must be timely as to the original complaint). We construe that order as one extending the time for service, and conclude that the district court did not manifestly abuse its discretion in entering it. In light of this order, we vacate the stay of proceedings entered on January 21, 2000.

cc: Hon. Michael L. Douglas, District Judge
Barker Brown Busby Crisman & Thomas
Gayle F. Nathan
Clark County Clerk