

IN THE SUPREME COURT OF THE STATE OF NEVADA

BANK OF AMERICA, N.A., A
NATIONAL BANKING ASSOCIATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

TOWN CENTER DRIVE AND 215, LLC,
A NEVADA LIMITED LIABILITY
COMPANY,
Real Party in Interest.

No. 60345

FILED

MAR 02 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order that granted a temporary restraining order (TRO) halting a foreclosure pending the district court's consideration of real party in interest's request for a preliminary and permanent injunction.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. NRS 34.320; Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (explaining that petitioner bears the "burden of demonstrating that extraordinary relief is warranted").

Here, although petitioner asserts that the district court exceeded its jurisdiction by entering a TRO and setting real party in

interest's injunction request for an evidentiary hearing, the record before us does not support this conclusion, as petitioner has not provided this court with real party in interest's motion for a TRO and injunctive relief, petitioner's opposition thereto, or the district court's written order granting the TRO, which it directly challenges in its writ petition. See NRAP 21(a)(4) (requiring petitioner to submit with its petition copies of any order or parts of the record before the respondent judge that may be essential to understand the matters set forth in the petition); Pan, 120 Nev. at 228, 88 P.3d at 844.

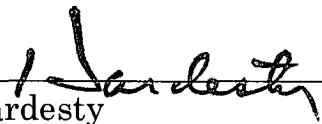
Thus, we conclude that petitioner has not met its burden of showing that the district court acted in excess of its jurisdiction by granting the TRO and scheduling an evidentiary hearing on the injunction issues. Pan, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.¹

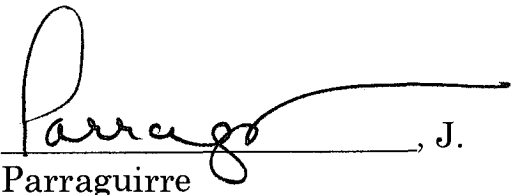


Saitta

, C.J.



Hardesty, J.



Parraguirre, J.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Snell & Wilmer, LLP/Las Vegas
Black & LoBello
Eighth District Court Clerk

¹In light of this decision, we make no determination on petitioner's claim that there is an absence of any underlying claim to support enjoining the foreclosure.