

IN THE SUPREME COURT OF THE STATE OF NEVADA

V. MICHAEL BURROWS,

No. 35593

Petitioner,

vs.

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

**FILED**

NOV 15 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY *J. Richard*  
CHIEF DEPUTY CLERK

Respondents,

and

DIAMONDS, ETC.,  
Real Party in Interest.

ORDER GRANTING PETITION FOR WRIT OF PROHIBITION

This is an original petition for a writ of prohibition challenging a district court order denying petitioner's motion to quash service of process.

Petitioner V. Michael Burrows, a Georgia notary public, requests that this court issue a writ of prohibition prohibiting the district court from exercising personal jurisdiction over her. Burrows contends that because her only contact with this state is her purported notarization of a document containing a Nevada choice of forum clause, there is no basis for exercising personal jurisdiction over her.

A writ of prohibition is the appropriate remedy for a district court's erroneous refusal to quash service of process. See Trump v. District Court, 109 Nev. 687, 692, 857 P.2d 740, 743 (1992). We conclude that Diamonds, Etc. has not established a prima facie showing that Nevada has personal jurisdiction over Burrows. See id. Therefore, we grant the petition.

Specific personal jurisdiction "may be established only where the cause of action arises from the defendant's

contacts with the forum.'" *Firouzabadi v. District Court*, 110 Nev. 1348, 1352-53, 885 P.2d 616, 619 (1994) (quoting *Budget Rent-A-Car v. District Court*, 108 Nev. 483, 485, 835 P.2d 17, 19 (1992)). This court uses a three-prong test to determine whether specific personal jurisdiction over a non-resident defendant exists. See *Casentini v. District Court*, 110 Nev. 721, 726-27, 877 P.2d 535, 539 (1994).

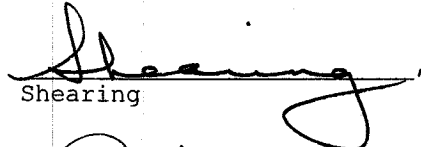
First, we conclude that Burrows has not purposely established minimum contacts in Nevada by conduct in connection with Nevada such that she should reasonably anticipate being haled into court in this state. See id. at 726-27, 877 P.2d at 539. While *Diamonds, Etc.* has presented evidence that Burrows falsely notarized the document in question, it does not follow from this act that Burrows could reasonably expect to be haled into a Nevada court. Burrows was neither a party to the agreement, nor charged, as a notary, with knowledge of its contents. *Diamonds, Etc.* has failed to satisfy the first prong of the test enunciated in Casentini.

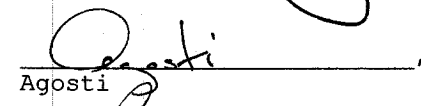
Second, we conclude that the cause of action did not arise out of any act purposefully engaged in by Burrows in Nevada. See id. The real dispute involves the validity of the notarized document that, by its terms, must now be resolved in the courts of Nevada. However, this fact does not, in itself, confer upon Nevada jurisdiction over Burrows who, assuming she did notarize the guarantee, performed the act in Georgia. The second prong of the Casentini test is not satisfied.


Third, we conclude that the exercise of jurisdiction in this instance does not comport with traditional notions of fair play and substantial justice. See id.

For these reasons, we conclude that the district court erred in denying Burrows' motion to quash service of process. We therefore grant this petition and direct the clerk of this court to issue a writ of prohibition precluding the district court from proceeding further on Diamonds' complaint against Burrows.

It is so ORDERED.

  
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Shearing J.

  
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Agosti J.

  
\_\_\_\_\_  
Leavitt J.

cc: Hon. Lee A. Gates, Chief District Judge  
Pyatt & Silvestri  
Rawlings Olson Cannon Gormley & Desruisseaux  
Clark County Clerk