

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRAD RUDOLF,
Petitioner,

vs.

THE SIXTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
HUMBOLDT; AND THE HONORABLE
MICHAEL MONTERO, DISTRICT
JUDGE,

Respondents,
and

JAMIE LOUISE RUDOLF,
Real Party in Interest.

No. 62109

FILED

DEC 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS
OR, IN THE ALTERNATIVE, PROHIBITION


This is an original petition for a writ of mandamus or, in the alternative, prohibition seeking an order compelling the district court to issue a ruling on and grant certain pretrial motions in the underlying divorce proceeding.


In this petition, petitioner asserts that the district court has not ruled on certain pretrial motions, including two motions for interim attorney fees filed on July 3, 2012, and October 3, 2012, respectively. In the motions, petitioner claims that he is at a financial disadvantage and requests an award of attorney fees from the real party in interest to assist him in defending the divorce action. See NRS 125.040(1)(c) (providing that the district court may require one party to pay money to enable the other party to defend a divorce suit). Petitioner also contends that he filed in the district court a motion to continue the trial, so that he may obtain

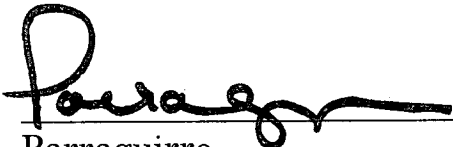
attorney fees and adequately prepare his case. Petitioner requests that we direct the district court to rule on and/or grant these motions.

Having reviewed the petition, we decline to exercise our original jurisdiction and consider this matter at this time, when the district court has not yet resolved petitioner's motions. See NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that the issuance of an extraordinary writ is purely discretionary with this court). We are confident that the district court will resolve these matters as expeditiously as its calendar permits. Accordingly, we

ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Michael Montero, District Judge
Miller Law, Inc.
Law Offices of Roderic A. Carucci
Silverman, Decaria & Kattelman, Chtd.
Humboldt County Clerk