

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAMELA WILLDEN,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE CYNTHIA N.  
GIULIANI, DISTRICT JUDGE,  
Respondents,  
and  
GREGG STACY, AN INDIVIDUAL,  
Real Party in Interest.

No. 62180

**FILED**

DEC 20 2012

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


ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

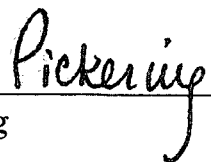
This original petition for a writ of mandamus or prohibition challenges the district court's alleged decision to order genetic testing to determine the paternity of the minor child and its alleged denial of petitioner's motion to dismiss the underlying action.

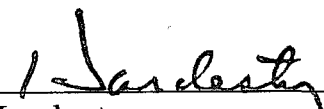
Extraordinary relief is purely discretionary with this court. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). To that end, NRAP 21(a)(4) requires a petitioner to submit with her petition copies of any order, opinion, parts of the record, or any other document that may be essential to understand the matters set forth in the petition. Having considered the petition and the attached documents, we conclude that petitioner has not provided this court with all of the documents essential to our understanding of the matters set forth in the petition and thus, she has failed to demonstrate that extraordinary relief is warranted. NRAP 21(a)(4); Pan, 120 Nev. at 228-29, 88 P.3d at 844. In

particular, petitioner did not provide this court with file-stamped copies of her motion to dismiss real party in interest's complaint, real party in interest's opposition, or any reply to that opposition. Additionally, petitioner has not provided this court with written, file-stamped copies of the order directing that the minor child be subject to genetic testing and the order denying her motion to dismiss or transcripts or minutes from any district court proceedings relating to these decisions. NRAP 21(a)(4). Accordingly, we deny the petition.<sup>1</sup> NRAP 21(b)(1).

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
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\_\_\_\_\_, J.  
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<sup>1</sup>Based on the limited documentation before us, it does not appear that the minor child has been made a party to the underlying action and been provided appropriate representation as required by NRS 126.101(1) (providing that the child must be made a party to an action to determine paternity, and if the child is a minor, must be represented by his or her general guardian or guardian ad litem, which may not be the child's mother or father.) While we deny the petition, we nonetheless note our concern that the district court may have taken any action below, including ordering genetic testing, without first mandating compliance with the requirements of NRS 126.101(1).

<sup>2</sup>Our denial of this petition does not preclude petitioner from filing a new petition in this court accompanied by all necessary supporting documents and that complies with this court's applicable rules of procedures, including NRAP 27(e)'s requirement for emergency matters.

cc: Hon. Cynthia N. Giuliani, District Judge  
Las Vegas Litigation Firm  
Gregg Stacy  
Eighth District Court Clerk