

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICAN FAMILY MUTUAL
INSURANCE DOING BUSINESS AS
AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, A
WISCONSIN CORPORATION,

Appellants,

vs.

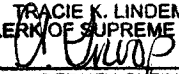
CYNTHIA VOGL,

Respondent.

No. 62476

FILED

APR 02 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Respondent has filed a motion to dismiss this appeal for lack of jurisdiction. Specifically, respondent notes that appellants are attempting to appeal from the district court's interlocutory order denying a motion to disqualify counsel, and that such an order is not appealable. See Nevada Yellow Cab Corp. v. Eighth Judicial Dist Ct. 123 Nev. 44, 49, 152 P.3d 737, 740 (2007) (a writ of mandamus is the proper way to challenge a district court order regarding disqualification of counsel).


Appellants have filed a response to that motion. Appellants indicate that they do "not oppose the dismissal" of the appeal provided that this court allows appellants to proceed with their pending petition for a writ of mandamus challenging the same order.¹ In the alternative, appellants include a counter-motion requesting this court to treat the notice of appeal as a writ petition.

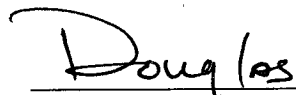
¹That original writ proceeding was filed on February 11, 2013, and docketed as Case No. 62588. On March 11, 2013, this court entered an order in that related matter directing the real party in interest, respondent in this appeal, to file an answer to the writ petition.


Respondent has filed an opposition to the counter-motion to treat the pending notice of appeal as a writ petition. Respondent notes that such alternative relief is unnecessary as it is clear that the proper way to challenge an order regarding disqualification of counsel is by a writ of mandamus and appellants have filed such a writ. Appellants have filed a reply to respondent's opposition to the counter-motion. Appellants emphasize that they do not oppose dismissal of this appeal as long as their writ petition is allowed to proceed.

After consideration of the parties' filing in this appeal and in light of the pending petition for a writ of mandamus, we dismiss this appeal.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Rob Bare, District Judge
Salvatore C. Gugino, Settlement Judge
Bremer Whyte Brown & O'Meara, LLP
Richard Harris Law Firm
Prince & Keating, LLP
Eighth District Court Clerk