

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP JOHN FORBES,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STEFANY MILEY, DISTRICT JUDGE,

Respondents,

and

DAVID H. HARRIS,  
Real Party in Interest.

No. 68141

**FILED**

JUL 22 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK


*ORDER DENYING PETITION FOR WRIT  
OF MANDAMUS OR PROHIBITION*


This original writ petition challenges a district court order denying a motion to dismiss for failure to timely serve process and granting a motion to enlarge the time in which to serve process.

Having considered petitioner's arguments, we are not persuaded that writ relief is warranted. NRS 34.160; NRS 34.320; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). The record supports the district court's determination that the factors set forth in *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 597, 245 P.3d 1198, 1201 (2010), and *Scrimmer v. Eighth Judicial District Court*, 116 Nev. 507, 516, 998 P.2d 1190, 1195-96 (2000), weighed in favor of granting the untimely motion for an extension of the service deadline and denying petitioner's countermotion to dismiss. Therefore, the district court neither exceeded its jurisdiction nor arbitrarily or capriciously exercised its discretion in

rendering its decision. *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; see *Saavedra-Sandoval*, 126 Nev. at 595-96, 245 P.3d at 1200-01 (explaining that the good-cause determinations under NRCP 4(i) are within the district court's discretion). Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Stefany Miley, District Judge  
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas  
Richard Harris Law Firm  
Eighth District Court Clerk