

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH BERBERICH, TRUSTEE,  
ON BEHALF OF 4499 WEITZMAN  
PLACE TRUST, A NEVADA TRUST  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Petitioner,

vs.

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

Respondents,

and

SOUTHERN HIGHLANDS  
COMMUNITY ASSOCIATION, A  
NEVADA NON-PROFIT  
COOPERATIVE CORPORATION; MTC  
FINANCIAL INC., A CALIFORNIA  
CORPORATION; OLYMPIA  
MANAGEMENT SERVICES, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; FEDERAL HOME  
MORTGAGE CORPORATION, A  
FEDERALLY CHARTERED  
CORPORATION; AND CAM REAL  
ESTATE XIV, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY,

Real Parties in  
Interest.

No. 72034

**FILED**

JAN 05 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK


*ORDER DENYING PETITION AND  
EMERGENCY MOTION FOR STAY*

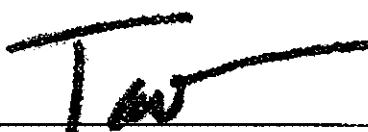
This original petition for a writ of mandamus and prohibition challenges district court orders striking petitioner's August 2, 2016,

motion to voluntarily dismiss his complaint; striking petitioner's September 6, 2016, notice of entry of order regarding the voluntary dismissal; and directing petitioner to appear and show cause why an Order of Sanctions and/or Dismissal should not be entered due to petitioner's failure to comply with the scheduling of the Early Case Conference. Petitioner has also filed motion requesting this court to stay the January 10, 2017, hearing on the order to appear and show cause, pending resolution of this petition.

Having reviewed the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Among other reasons, it appears this court's intervention at this time would be premature and that judicial efficiency is best served by having the district court resolve the issues before it. Of course, this denial is without prejudice to petitioner taking any action with the appellate courts that he deems appropriate after the district court's resolution of this matter. Accordingly, we

ORDER the petition denied.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

<sup>1</sup>In light of our resolution of the petition, we deny petitioner's motion for stay as moot.

cc: Hon. Joanna Kishner, District Judge  
Brauer, Driscoll, Sun and Associates LLC  
Aldridge Pite, LLP  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas  
Burke, Williams & Sorensen, LLP  
Kemp, Jones & Coulthard, LLP  
Eighth District Court Clerk