

IN THE SUPREME COURT OF THE STATE OF NEVADA

MESQUITE VISTAS COMMUNITY
ASSOCIATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE KATHLEEN E.
DELANEY, DISTRICT JUDGE,

Respondents,

and

HOMEOWNER BENEFITS LLC, ON
BEHALF OF ITSELF AND AS
REPRESENTATIVE OF THE CLASS
HEREIN DEFINED,

Real Party in Interest.

No. 72674

FILED

MAY 09 2017

EMILY A. BROWN
CLERK OF THE SUPREME COURT
BY: *Amulcof*
DEPUTY CLERK

*ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION*

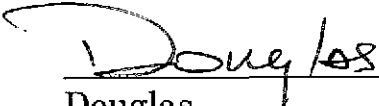
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion for summary judgment in a class action seeking refunds from a homeowners' association.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted at this time. *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). Based on the existing record, even if we were to agree with the arguments presented in the petition, it does not appear that all of the claims asserted below would necessarily be resolved. *See Moore v. Eighth Judicial Dist. Court*, 96 Nev. 415, 416-17, 610 P.2d 188, 189 (1980) (determining that writ relief is not


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an appropriate remedy when resolution of the writ petition would not dispose of the entire controversy). This order should not be construed as precluding petitioner from making the same arguments in any future writ petition or appeal. Accordingly, we

ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Kathleen E. Delaney, District Judge
Pengilly Law Firm
Holland & Hart LLP/Las Vegas
Floyd A. Hale
Adams Law Group
Brown Brown & Premsrirut
Eighth District Court Clerk