

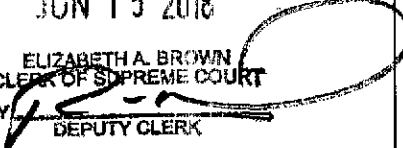
IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC L. NELSON, INDIVIDUALLY,
AND IN HIS CAPACITY AS
INVESTMENT TRUSTEE OF THE ERIC
L. NELSON NEVADA TRUST DATED
MAY 30, 2001,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE JOSEPH
HARDY, JR., DISTRICT JUDGE,
Respondents,
and
LYNITA SUE NELSON,
INDIVIDUALLY, AND IN HER
CAPACITY AS INVESTMENT TRUSTEE
OF THE LYNITA S. NELSON NEVADA
TRUST, DATED MAY 30, 2001,
Real Party in Interest.

No. 75676

FILED

JUN 15 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This petition for a writ of mandamus challenges a district court order denying a motion to dismiss several tort claims based on the statute of limitations. The decision to entertain a petition for a writ of mandamus is purely discretionary. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). We decline to exercise that discretion in this case for two reasons. First, we are not convinced that this matter fits an exception to the general rule that this court will not exercise its discretion to consider a writ petition that challenges a district court order denying a motion to dismiss, particularly given that the district court's decision was without prejudice. *See generally Smith v. Eighth Judicial Dist. Court*, 113

Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (acknowledging exceptions to general rule (1) where “considerations of sound judicial economy and administration militate[] in favor of granting [the] petition[]” such as to prevent a gross miscarriage of justice, (2) “where no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss an action,” or (3) where “an important issue of law requires clarification”). Second, the issues presented can be raised on appeal from a final judgment, so petitioner has a plain, speedy, and adequate remedy that precludes writ relief. NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 225, 88 P.3d 840, 841 (2004). Accordingly, we

ORDER the petition DENIED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Joseph Hardy, District Judge
Solomon Dwiggin & Freer, Ltd.
Rhonda K. Forsberg, Chtd.
The Dickerson Karacsonyi Law Group
Eighth District Court Clerk