

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA; DIVISION  
OF FORESTRY; AND BOARD OF  
REGENTS OF NEVADA SYSTEM OF  
HIGHER EDUCATION, UNIVERSITY  
OF NEVADA, RENO,

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE; AND THE HONORABLE  
SCOTT N. FREEMAN, DISTRICT  
JUDGE,

Respondents,

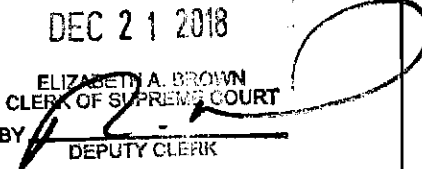
and

EDWARD H. SCOTT; BART H. SCOTT;  
ROGER B. PRIMM; ROGER B. PRIMM  
FAMILY TRUST; EDWARD L. EVANS;  
SHANNON D. EVANS; GARY  
QUARISA; CLAUDIA QUARISA;  
BARBARA A. EVANS; NORMAN AND  
BARBARA EVANS FAMILY TRUST;  
SHIRLEY J. MCDERMOTT; CLIFF  
BROTHERS RANCH, LLC; JAMES R.  
BLUEBERG; MARY D. BLUEBERG;  
BLUEBERG FAMILY TRUST;  
CHARLES FALKENROTH;  
JACQUELINE FALKENROTH;  
FALKENROTH FAMILY TRUST; JOHN  
H. HEALY; MARY ANNE HEALY;  
MELVIN HOLLAND, JR.; ROBIN  
LAWRENCE; CAROLINE J. HOOTEN,  
INDIVIDUALLY AND AS TRUSTEE OF  
THE CAROLINE J. HOOTEN  
REVOCABLE TRUST DATED MAY 4,  
1998; JAN GOLDRESS; JAN  
GOLDRESS LIVING TRUST; MICHAEL  
LANGTON; RICHARD R. MASON;

No. 74271

FILED

DEC 21 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

SHARLENE F. MASON; RICHARD R. MASON FAMILY TRUST; JOSEPH G. GANZ; CAROL GANZ; MERL F. STEWART; MERL F. STEWART TRUST; RICHARD D. ASH; CATHELINE M. ASH; SUSAN HOFFMAN; HOFFMAN LIVING TRUST; DENNIS S. SHINN; SHINN LIVING TRUST; ALLEN R. COPELAND; EDENIR COPELAND; JEFFREY J. NELSON; LAUREN D. NELSON; MICHAEL MOSS; DENNIS HOF, INDIVIDUALLY AND AS TRUSTEE OF THE MOUNDHOUSE 2000 TRUST, A/K/A THE MOUNDHOUSE 2000 TRUST; APAARA FARMS, LLC; PATRICIA E. FOX; GARY E. EISENHART; TAI FOX; ANNE M. HUBBELL; ANGEL FACE, LTD.; COUNTRY MUTUAL INSURANCE COMPANY; AMERICAN STRATEGIC INSURANCE CORP.; AMERICAN FAMILY INSURANCE; BANKERS STANDARD INSURANCE COMPANY; SAFECO INSURANCE COMPANY OF AMERICA; LIBERTY MUTUAL INSURANCE COMPANY; FIRE INSURANCE EXCHANGE; FARMERS INSURANCE EXCHANGE; THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD CONNECTICUT; NATIONWIDE PRIVATE CLIENT AS UNDERWRITTEN BY CRESTBROOK INSURANCE COMPANY; PHILADELPHIA INDEMNITY INSURANCE COMPANY; THE STANDARD FIRE INSURANCE COMPANY; THE TRAVELERS HOME AND MARINE INSURANCE COMPANY; THE TRAVELERS

INDEMNITY COMPANY OF AMERICA;  
ALLSTATE INSURANCE COMPANY;  
ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY; ALLSTATE  
PROPERTY AND CASUALTY  
INSURANCE COMPANY; STATE FARM  
GENERAL INSURANCE COMPANY;  
LAIRD DAVIS; LAIRD DAVIS TRUST;  
CAROLINE J. HOOTEN TRUST; TESSA  
ZEMKE AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF HUBERT ZEMKE, JR.; TESSA  
ZEMKE; ROBERT A. BITTMAN AND  
GERROL L. BITTMAN, INDIVIDUALLY  
AND AS TRUSTEES OF THE BITTMAN  
FAMILY TRUST AGREEMENT; DAVID  
BERKOVEC; KENNETH BERKOVEC;  
JEFFREY R. BOWEN; LORI A.  
BOWEN, INDIVIDUALLY AND AS  
TRUSTEE OF BOWEN FAMILY TRUST  
AGREEMENT; ALAN JOSEPH SEGO;  
CAROLYN LOUMAN SEGO,  
INDIVIDUALLY AND AS TRUSTEE OF  
LOUMAN/SEGO FAMILY TRUST;  
KENNETH C. CISZEK; DIANA M.  
CISZEK; MACLELLAN E. KING;  
ELIZABETH H. KING, INDIVIDUALLY  
AND AS TRUSTEE OF MACLELLAN  
AND ELIZABETH KING 1992 FAMILY  
TRUST; GEORGE H. HEUN; MICHAEL  
H. SONG; HOLLY KRISTEN SONG,  
INDIVIDUALLY AND AS TRUSTEE OF  
SONG FAMILY TRUST; LEBO  
NEWMAN; MERRILL NEWMAN;  
ROBERT F. RUSK; MARILYN L. RUSK;  
AND DEBRA L. SHELTRA,  
INDIVIDUALLY AND AS TRUSTEE OF  
THE SHELTRA TRUST,  
Real Parties in Interest.

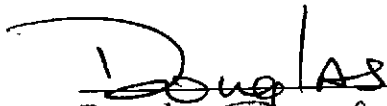
### *ORDER DENYING PETITION*

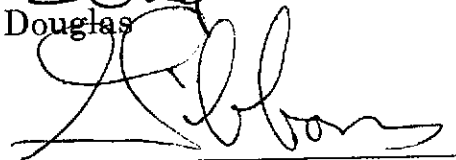
This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to dismiss in an inverse condemnation action.

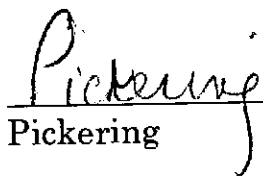
Having considered the State's petition and points raised during oral argument, and without deciding upon the merits of any claims raised therein, we are not persuaded the State has met its burden in demonstrating that our extraordinary intervention is warranted at this stage of the underlying litigation. NRS 34.170; *State, Dept. of Transp. v. Eighth Judicial Dist. Court*, 131 Nev. 411, 416, 351 P.3d 736, 740 (2015); *Westpark Owners' Ass'n v. Eighth Judicial Dist. Court*, 123 Nev. 349, 356, 167 P.3d 421, 426 (2007) (noting that writ relief is generally available only when there is no "plain, speedy and adequate remedy in the ordinary course of law," and an appeal from a final judgment or order is usually an adequate remedy (internal quotation marks omitted)).

The district court bifurcated the underlying action and it has been tried as to some issues but not others. The State filed the instant petition prior to the trial proceedings, which have not concluded. Without the benefit of a fully developed record from the trial proceedings below, and in light of the advanced stage of the underlying proceedings, we determine that extraordinary writ relief is not appropriate, and that the State has an adequate remedy in the form of an appeal from any adverse final judgment. *See D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736 (2007) ("Whether a future appeal is sufficiently adequate and speedy [depends] on the underlying proceedings' status, the types of issues raised in the writ petition, and whether a future appeal will permit

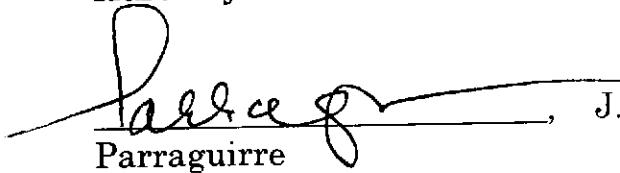
this court to meaningfully review the issues presented.") Accordingly, we  
ORDER the petition DENIED.<sup>1</sup>

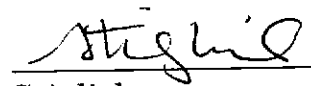
  
\_\_\_\_\_, C.J.  
Douglas

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

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

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Scott N. Freeman, District Judge

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<sup>1</sup>The Honorable Michael Cherry, Justice, did not participate in the decision of this matter.

Attorney General/Carson City  
University of Nevada, Reno, Office of General Counsel  
Attorney General/Las Vegas  
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Gunderson Law Firm  
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Berger Kahn/Irvine  
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Cozen O'Connor/San Diego  
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Fernley City Attorney  
Sparks City Attorney  
Reno City Attorney  
Clark County District Attorney/Civil Division  
Fallon City Attorney's Office  
Washoe County District Attorney/Civil Division  
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno  
Blanchard, Krasner & French  
Washoe District Court Clerk