

IN THE SUPREME COURT OF THE STATE OF NEVADA

BERKSHIRE HATHAWAY HOME
SERVICE NEVADA PROPERTY, A
NEVADA PARTNERSHIP,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE RONALD J.
ISRAEL, DISTRICT JUDGE,

Respondents,
and

JEFFREY BULL, AN INDIVIDUAL,
Real Party in Interest.

No. 77720

FILED

JAN 17 2019

ELIZABETH A. SONG
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss in a tort and contract action.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. NRS 34.160; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (observing that a decision to entertain a petition for a writ of mandamus “is purely discretionary with this court”). As a general rule subject to very few exceptions, we have declined to exercise our discretion with respect to writ petitions that challenge district court orders denying motions to dismiss. *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). We decline to deviate from that rule here, particularly because the issues presented can be raised on appeal from a final judgment, such that 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); it is not clear that the district court was obligated to grant the motion; and petitioner waited more than seven months after entry of the district court's order to file this petition. We therefore

ORDER the petition DENIED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Ronald J. Israel, District Judge
Olson, Cannon, Gormley, Angulo & Stoberski
Darren J. Welsh, Chtd.
Kang & Associates PLLC
Eighth District Court Clerk