

IN THE SUPREME COURT OF THE STATE OF NEVADA

PROGRESSIVE DIRECT INSURANCE  
COMPANY; AND UNITED FINANCIAL  
CASUALTY COMPANY, D/B/A  
PROGRESSIVE COMMERCIAL  
CASUALTY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ELHAM ROOHANI, DISTRICT JUDGE,  
Respondents,

and

BRIAN PARKER, INDIVIDUALLY;  
LINDEE PARKER, INDIVIDUALLY;  
AND TANYA TROUP, INDIVIDUALLY,  
Real Parties in Interest.

No. 85317

**FILED**

APR 27 2023

ELIZABETH A. BROWN  
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 strike an attorney-expert from testifying against a former client under RPC 1.9(a) and (c).

Petitioners Progressive Direct Insurance Company and United Financial Casualty Company (collectively, Progressive) assert that attorney Scott Glogovac represented and advised Progressive underwriting companies for over 20 years. In the underlying case, real parties in interest Brian and Lindee Parker,<sup>1</sup> retained Glogovac to testify as an expert on

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<sup>1</sup>While Tanya Troup is named as a real party in interest, she has not made an appearance in the instant writ proceeding.

claims handling in their bad faith action against Progressive. Progressive argues that extraordinary relief is necessary to prevent Glogovac from testifying due to a conflict of interest. We disagree that extraordinary relief is warranted.

Having reviewed the petition, we decline to exercise our discretion to entertain the petition. *See City of Mesquite v. Eighth Judicial Dist. Court*, 135 Nev. 240, 242, 445 P.3d 1244, 1248 (2019) (explaining that entertaining a writ petition is discretionary). In particular, we are not persuaded that writ relief is warranted where petitioners have an adequate legal remedy via an appeal from a final judgment. *Williams v. Eighth Judicial Dist. Court*, 127 Nev. 518, 524, 262 P.2d 360, 364 (2011) (“This court has held that the decision to admit or exclude expert opinion testimony is discretionary and is not typically subject to review on a petition for a writ of mandamus. . . . [T]he opportunity to appeal a final judgment . . . provides an adequate legal remedy.” (citations omitted)). Accordingly, we

ORDER the petition DENIED.



\_\_\_\_\_, J.  
Herndon



\_\_\_\_\_, J.  
Lee



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

cc: Eighth Judicial District, Department 11  
Hon. Jerry A. Wiese, Chief Judge  
Keating Law Group  
Dennett Winspear, LLP  
Clark McCourt, LLC  
Eighth District Court Clerk