

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANCY QUON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
JAMES C. MAHAN, DISTRICT JUDGE,
Respondents,

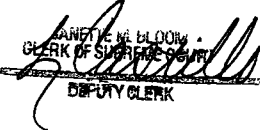
and

ROBERT C. MADDOX, AN
INDIVIDUAL; ROBERT C. MADDOX,
D/B/A ROBERT C. MADDOX &
ASSOCIATES; AND MARY CARTER,
AN INDIVIDUAL,
Real Parties in Interest.

No. 38113

FILED

MAR 07 2002

ANETTE M. BLOOR
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court's order that disqualified petitioner Nancy Quon's three attorneys, Michael Brown, Cliff Roberts, and James Christensen. Quon seeks an order directing the district court to conduct an evidentiary hearing to determine whether co-counsel Roberts and Christensen should have been disqualified.

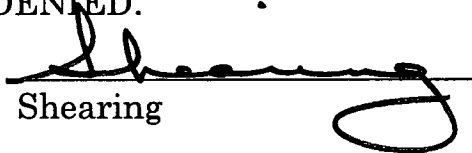
We have considered Quon's petition and the answer thereto, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.¹ Accordingly, we deny the petition.

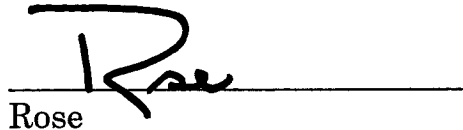
¹See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (noting that extraordinary relief is in the sound discretion of this court).

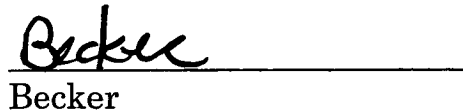
Quon contends that the district court acted arbitrarily or capriciously when it denied her request to conduct an evidentiary hearing as to the disqualification of co-counsel Roberts and Christensen. We conclude that Quon waived her right to challenge the imputed disqualification issue because Quon should have filed a rehearing petition regarding our previous order directing the district court to disqualify Quon's attorneys if she believed that in our previous order we overlooked a material issue.² In any event, we conclude that the district court did not act arbitrarily or capriciously when it disqualified co-counsel Roberts and Christensen because we had directed the district court to grant the real parties in interests' motion to disqualify Quon's attorneys in our order of February 6, 2001, Docket No. 36006.³

Accordingly, we

ORDER the petition DENIED.


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

²See NRAP 40(c); see also Cerminara v. District Court, 104 Nev. 663, 665, 765 P.2d 182, 184 (1988) (“If this court’s mandate was erroneous in any respect, it was incumbent upon the parties to apprise this court of the perceived error in a petition for rehearing.”).

³See Cerminara, 104 Nev. at 665, 765 P.2d at 184 (“[T]he district court [must] comply with the mandate of this court without variation.”).

cc: Hon. James C. Mahan, District Judge
Hardy & Woodman
Gary C. Moss, Counselor at Law
Clark County Clerk