

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELITE INVESTIGATIONS, INC., A  
NEVADA CORPORATION; JONATHAN  
E. GIRARD, A NEVADA CITIZEN,  
INDIVIDUALLY; AND XAVIER  
SEDILLO, A NEVADA CITIZEN,  
INDIVIDUALLY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DANIELLE K. CHIO, DISTRICT  
JUDGE,

Respondents,

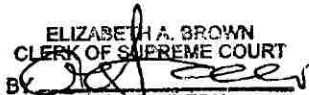
and

AIDEN DIAZ-TOLER, INDIVIDUALLY;  
JENNIFER VILLAFANA,  
INDIVIDUALLY; NOVA CASUALTY  
COMPANY; AND HANOVER  
INSURANCE GROUP, INC.,  
Real Parties in Interest.

No. 87764

**FILED**

MAY 31 2024

ELIZABETH A. BROWN  
CLERK OF SUPERIOR COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR A WRIT OF MANDAMUS OR  
PROHIBITION*

This is an original petition for a writ of mandamus or, in the alternative, prohibition seeking to compel the district court to reverse its order denying a motion for consolidation and to grant the motion.

Real parties in interest Aiden Diaz-Toler and his mother, Jennifer Villafana, sued Elite Investigations after alleged misconduct in its investigations in a tort action. Real parties in interest Nova Casualty Company and Hanover Insurance Group, Inc. (collectively “the Insurance Parties”), whose counsel hired Elite Investigations to assist the defense in

the action, separately sued Elite Investigations. The Insurance Parties moved to consolidate the two cases and Elite Investigations joined the motion. The district court denied consolidation, finding that it would prejudice Diaz-Toler. Elite Investigations now petitions for a writ of mandamus or prohibition seeking to compel the district court to vacate its order denying the motion for consolidation.

The decision to entertain a petition for a writ of mandamus lies within our sole discretion. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is an extraordinary remedy, available to compel a lower court to act in accordance with the law or to correct a “clear and indisputable legal error.” *Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 819-20, 407 P.3d 702, 706 (2017) (internal quotation marks omitted). This court may issue a writ of prohibition to halt a district court from exceeding its jurisdiction. *Club Vista Fin. Servs. v. Dist. Ct.*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012); NRS 34.320. Where the district court has discretion on the issue the petitioner must show a manifest abuse of discretion. *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020). It is the petitioner’s burden to show a clear legal right to the requested course of action. *Id.*

District courts have “broad, but not unfettered, discretion in ordering consolidation.” *Marcuse v. Del Webb Cmtys., Inc.*, 123 Nev. 278, 286, 163 P.3d 462, 468 (2007). In *Nalder v. Eighth Jud. Dist. Ct.*, 136 Nev. 200, 209, 462 P.3d 677, 686 (2020), this court granted writ relief as to a consolidation order. This court ruled that consolidation in that case was legally impermissible and granted writ relief on that basis. *See id.* at 207, 209, 462 P.3d at 685, 686 (directing the court clerk to issue a writ of

mandamus directing the court to vacate its order consolidating a post-final-judgment case with another, non-final, case that had been recently filed).

Here, the district court found that questions of fact common to both actions existed. It then considered potential prejudice to Diaz-Toler from consolidation, noting, among other things, that Diaz-Toler's action was much older. Unlike the order to consolidate a final case with a non-final case in *Nalder*, denial of consolidation here was not legally impermissible. *Cf. Nalder*, 136 Nev. 209, 462 P.3d at 686. While we do not determine whether the district court's denial of consolidation was an abuse of discretion, an issue that Elite Investigations may still raise on appeal of a final judgment in either action, it is not the manifest abuse of discretion or clear and indisputable legal error that justifies our intercession at this time.

Further, Elite Investigations does not argue that the district court lacks jurisdiction, so its alternative requested relief of a writ of prohibition is not appropriate. NRS 34.320.

Accordingly, we

ORDER the petition DENIED.

Stiglich, J.  
Stiglich

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

cc: Hon. Danielle K. Pieper, District Judge  
Gordon Rees Scully Mansukhani LLP/Las Vegas  
Freeman Mathis & Gary LLP  
Kemp Jones, LLP  
Erickson Thorpe & Swainston, Ltd.  
Parker, Nelson & Associates  
Eighth District Court Clerk