


THE COURT OF APPEALS OF THE STATE OF NEVADA

GERMANA RAPPA,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE BILL  
HENDERSON, DISTRICT JUDGE,  
Respondents,  
and  
AURELIO LORICO,  
Real Party in Interest.

No. 88192-COA

**FILED**  
SEP 19 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition for a writ of prohibition or mandamus challenges a district court's order denying a motion to dismiss the underlying divorce action.

This case involves two open divorce proceedings in different countries. Petitioner Germana Rappa and real party in interest Aurelio Lorico are both Italian citizens who were married in Italy in 1986. The parties' four children are over the age of 18. Rappa and Lorico have lived in Nevada for over 15 years. While Lorico has dual citizenship, Rappa is currently a permanent resident of the United States. The property of the parties consists of a house in the Summerlin area of Las Vegas with substantial equity, and some financial accounts and retirement accounts. Lorico denies owning property in Italy while Rappa does own property in Italy. Lorico, however, is apparently not disputing Rappa's separate ownership of the Italian property nor asserting any claim to it.

Rappa filed for separation/divorce in Italy in June 2021.<sup>1</sup> The parties have hired Italian lawyers, appeared in court, and have ongoing proceedings in Italy. At a hearing in Italy in February 2022, the Italian court issued interim orders which included assigning Rappa exclusive possession of the parties' home in Las Vegas.

In January 2023, Lorico filed a complaint for divorce in Nevada. The district court dismissed this complaint pursuant to Rappa's motion in an order entered in April 2023. The order provided that the case could be reopened if there is a significant delay in Italy, of at least six months, or if the Italian court indicates that Nevada is the more convenient and proper forum.

In September 2023, Lorico filed a second Nevada complaint. Rappa moved to dismiss the complaint or stay the Nevada proceedings pending resolution of the Italian proceedings. The district court denied Rappa's motion, stating that it has full jurisdiction over the parties and their property located in Nevada.

Rappa has now filed this petition for a writ of mandamus or prohibition seeking to compel the district court to dismiss, or in the alternative, stay the Nevada divorce case in favor of the open separation/divorce proceedings in Italy.<sup>2</sup> Rappa argues that the district court erred by (1) not dismissing Lorico's divorce complaint, and (2) not applying principles of comity to stay the Nevada proceedings pending the conclusion of the parties' divorce in Italy.

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<sup>1</sup>Italy apparently has a bifurcated divorce process, which requires a separation judgment before divorce proceedings commence.

<sup>2</sup>In July 2024, this court denied Rappa's motion to stay the district court proceedings pending the resolution of this writ petition.

Rappa argues that the “principles of comity, first-to-file, international *lis alibi pendens*, judicial efficiency and judicial economy favor dismissing,” or alternatively, staying Lorico’s Nevada divorce complaint. Rappa further argues that this court should grant her request for a writ to allow the parties’ proceedings to reach a resolution in Italy, where the parties have been litigating “the exact same cause of action . . . for approximately two and a half years.” Rappa contends that having two jurisdictions issue orders on the same subject matter creates a risk that the jurisdictions’ orders will conflict, forcing a party to be in contempt with one of the jurisdictions’ orders. Rappa does not contend that the district court lacks jurisdiction over the parties and their property. Lorico argues that Rappa cannot show an abuse of discretion or error of law, nor urgency or irreparable harm. Lorico also argues that he has a right to proceed in Nevada, a state with a dedicated family court system that can more efficiently process the parties’ divorce, and the parties can thereby avoid extreme delays. Thus, he asserts writ relief is not warranted.

A writ of mandamus is appropriate to “compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion.” *Nev. Yellow Cab Corp. v. Eighth Jud. Dist. Ct.*, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007). This court has “original jurisdiction to grant a writ of mandamus or prohibition, and issuance of such extraordinary relief is solely within this court’s discretion.” *Agwara v. State Bar of Nev.*, 133 Nev. 783, 785, 406 P.3d 488, 491 (2017); *see Nev. Const. art. 6, § 4(1)*. “A writ of prohibition is appropriate when a district court acts without or in excess of its jurisdiction.” *Cote H. v. Eighth Jud. Dist. Ct.*, 124 Nev. 36, 39, 175 P.3d 906, 907-08 (2008). A writ of prohibition or mandamus should only be issued when there is not a plain, speedy, or adequate remedy in law. NRS 34.170 (mandamus); NRS 34.330 (prohibition). The existence

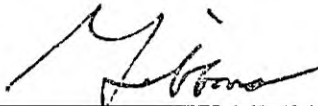
of a future right to appeal is ordinarily sufficient to deny writ relief. *State v. Second Jud. Dist. Ct. (Ducharm)*, 118 Nev. 609, 614, 55 P.3d 420, 423 (2002).


This court generally declines to consider writ petitions challenging district court orders denying motions to dismiss unless no factual dispute exists and the district court was obligated to dismiss the action pursuant to clear authority or the writ would promote judicial economy by clarifying an important issue of law. *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197-98, 179 P.3d 556, 558-59 (2008). Petitioner bears the burden to show that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004).

Based on our review of the documents and arguments before us, we conclude that Rappa has not demonstrated that extraordinary writ relief is warranted. *See* NRS 34.170; NRS 34.330; *see also Pan*, 120 Nev. at 228, 88 P.3d at 844.

Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Bill Henderson, District Judge, Family Division  
Barnes Law Group, LLC  
Law Office of Daniel Marks  
Eighth District Court Clerk