

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH F. ZERGA AND CHRISTINE  
M. MODY, AS CO-TRUSTEES OF THE  
LAST WILL AND TESTAMENT OF  
JOSEPH F. ZERGA DATED JANUARY  
10, 2012; AND DESERT WINDS TRUST,  
AS AMENDED AND RESTATED  
JANUARY 10, 2012, A NON-  
TESTAMENTARY TRUST,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GLORIA STURMAN, DISTRICT  
JUDGE,

Respondents,

and

ROMAN ZERGA AND QUINTON  
SINGLETON, CONTESTING HEIRS,  
Real Parties in Interest.

No. 87891

**FILED**

NOV 14 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus seeks to direct the district court to vacate a scheduled evidentiary hearing regarding an inter vivos trust.

Real party in interest Roman Zerga petitioned the district court to assume jurisdiction over petitioner Joseph Zerga's trust. Roman alleged that Joseph's wife petitioner Christine Mody took advantage of Joseph's

estate due to his Alzheimer's. In response, Christine asserted that Roman lacked standing to challenge the trust. Joseph's nephew Quinton Singleton subsequently joined Roman as co-petitioner and the two filed an amended petition, which Christine similarly opposed. The district court granted Roman and Quinton's petition to assume jurisdiction over the trust and ordered an evidentiary hearing. Christine argues that the district court abused its discretion in scheduling the evidentiary hearing because it had not yet addressed the issue of standing.

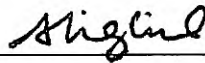
"A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion." *Agwara v. State Bar of Nev.*, 133 Nev. 783, 785, 406 P.3d 488, 491 (2017) (internal quotation marks omitted); NRS 34.160. Petitioners must show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). "Whether extraordinary writ relief will issue is solely within this court's discretion." *MountainView Hosp., Inc. v. Eighth Jud. Dist. Ct.*, 128 Nev. 180, 184, 273 P.3d 861, 864 (2012). In challenging the district court's exercise of discretion, mandamus relief is only available "where the lower court has *manifestly* abused [its] discretion or acted arbitrarily or capriciously." *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020).

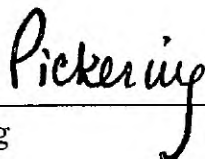
"To efficiently and thoughtfully resolve . . . an important issue of law demands a well-developed district court record, including legal positions fully argued by the parties and a merits-based decision by the district court judge." *Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 823, 407 P.3d

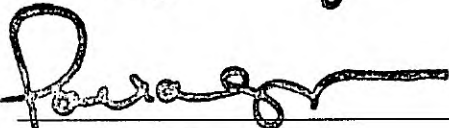
702, 708 (2017). Because the district court has not made a definitive ruling as to standing, we conclude that our involvement at this stage is premature.

Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

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

cc: Hon. Gloria Sturman, District Judge  
Hutchison & Steffen, LLC/Las Vegas  
Hutchison & Steffen, LLC/Reno  
Hayes Wakayama Juan  
Eighth District Court Clerk