

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMO FREIGHT LLC AND GREGORY
MEJIA, AN INDIVIDUAL,
Petitioners,

vs.

THE HONORABLE JACQUELINE M.
BLUTH, EIGHTH JUDICIAL DISTRICT
COURT DEPT. 6,

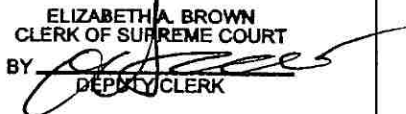
Respondents,

WYNCOTTE BREAD ROUTE, INC.,
Real Party in Interest.

No. 89839

FILED

DEC 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

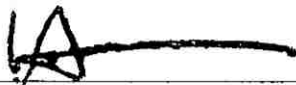
This original petition for a writ of mandamus, prohibition, or certiorari challenges district court proceedings on contempt issues arising from the nonfunding of a constructive trust. Additionally, petitioners assert that the district court lacked jurisdiction to impose a constructive trust, the plaintiff is not the real party in interest, and the district court improperly refused to grant a continuance to allow sufficient time for petitioners' new counsel to become familiar with the case, among other things.

A writ of mandamus is available to compel the performance of a legal duty or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Eighth Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court acting without or in excess jurisdiction. *See* NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677 818 P.2d 849, 851 (1991). A writ of certiorari is available to confine an inferior tribunal, board, or officer exercising judicial functions to the limits of its jurisdiction. NRS 34.020(2). It is within this court's discretion to determine if a writ petition will be considered. *Smith*, 107 Nev.

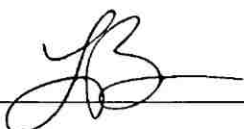
at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Here, on December 19, 2024, the district court entered an order stating that petitioners are in contempt of court for their failure to fund the constructive trust as previously ordered, sanctioning them an unspecified amount of attorney fees, and directing them to establish and fund the trust by January 2, 2025, or otherwise turn over certain financial documentation. If petitioners fail to comply, the order provides, petitioner Gregory Mejia must personally appear at the January 2 hearing and provide testimony concerning the contempt. While this court has held that a petition for extraordinary writ relief is the appropriate vehicle for challenging a district court contempt order, *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000), the instant petition for a writ of mandamus or prohibition appears premature, as the district court clearly contemplates further action related to any contempt. As the December 19 order does not finally resolve the contempt and related issues, we conclude that our intervention by way of extraordinary relief is not warranted at this time. *Smith*, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Robert W. Lueck, Ltd.
Hutchings Law Group, LLC
Eighth District Court Clerk