IN THE SUPREME COURT OF THE STATE OF NEVADA

META PLATFORMS, INC. F/K/A FACEBOOK, INC., Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JOANNA KISHNER, DISTRICT JUDGE, Respondents, and THE STATE OF NEVADA, Real Party in Interest.	No. 89920
META PLATFORMS, INC. F/K/A FACEBOOK, INC., Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JOANNA KISHNER, DISTRICT JUDGE, Respondents, and THE STATE OF NEVADA, Real Party in Interest.	✓ No. 89921
META PLATFORMS, INC. F/K/A FACEBOOK, INC. AND INSTAGRAM, LLC, Petitioners, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JOANNA KISHNER, DISTRICT	No. 89922

FILED

JAN 27 2025

ELIZABETH A. ...
CLERK OF SUPREME ...
BY ... DEPUTY CLERK

25-03898

JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

ORDER DENYING PETITIONS

These are three related original petitions for a writ of prohibition and mandamus. These original writ petition proceedings involve the same parties and counsel and arise from related district court cases.

The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). A writ of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary and capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

Petitioners bear the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. NRS 34.170; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the

challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

Having reviewed the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. As an initial matter, while petitioner argues that mandamus relief would be appropriate to avoid potentially significant reoccurring issues of law, it does not make a compelling argument as to why an appeal from a later final judgment would not be an adequate remedy. *Id.* at 224, 88 P.3d at 841. As a general rule, "judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment." *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), *as modified by State v. Eighth Jud. Dist. Ct.*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); *Buckwalter v. Dist. Ct.*, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010) (noting that "[n]ormally this court will not entertain a writ petition challenging the denial of a motion to dismiss"). Although the rule is not absolute, *see Int'l Game Tech.*, 122 Nev. at 142-43, 127 P.3d at 1096, petitioner has not established the district court manifestly abused its discretion.

Further although "[a] writ of prohibition is the appropriate remedy for improper exercise of personal jurisdiction by a district court," *Ind. Ins. Co. v. Eighth Jud. Dist. Ct.*, 112 Nev. 949, 951, 920 P.2d 514, 516 (1996), petitioner's request for prohibitive relief appears to be based on a factual dispute as to whether personal jurisdiction existed, and "those disputes must be resolved in favor of the plaintiff' if a prima facia showing of jurisdiction was made below, *Levinson v. Second Jud. Dist. Ct.*, 103 Nev.

404, 407, 742 P.2d 1024, 1026 (1987). Petitioner does not demonstrate that extraordinary writ relief is warranted. *Pan*, 120 Nev. at 224, 88 P.3d at 841.[1] Accordingly, we

ORDER the petitions DENIED.

_____, C. J.
Herndon

_____, J.
Parraguirre

_____, J.
Stiglich

cc: Hon. Joanna Kishner, District Judge
Womble Bond Dickinson (US) LLP/Las Vegas
Peterson Baker, PLLC
Kemp Jones, LLP
Eighth District Court Clerk

[1]As an additional ground for denial, the district court's orders challenged by these original writ petition proceedings granted real party in interest leave to amend its complaints. While petitioner argues that the amended complaints do not substantively alter the legal issues presented in the petitions, and that therefore amendment "neither renders the legal issue abstract nor prevents [this court] from granting effectual relief to the prevailing party," *Orbitz Worldwide, LLC v. Eighth Jud. Dist. Ct.*, 139 Nev., Adv. Op. 40, 535 P.3d 1173, 1178 n.5 (2023), it is not clear that the district court's legal conclusions challenged by these petitions would not be affected by a subsequent district court decision. This is especially true seeing as petitioner appears to have filed new motions to dismiss in the district court that are currently still pending.