

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCESCA BERO-WACHS,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
SCOTT JORDAN, DISTRICT JUDGE,  
FAMILY COURT DIVISION,

Respondents,  
and

JEFFREY ALAN WACHS,  
Real Party in Interest.

No. 38465

**FILED**

MAR 13 2002

JANE T. M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order that granted real party in interest's motion to terminate the marital community estate. A writ of prohibition may be granted to restrain a district court from exercising a judicial function without or in excess of its jurisdiction.<sup>1</sup> The writ may only be issued where "there is not a plain, speedy and adequate remedy in the ordinary course of law."<sup>2</sup> The issuance of a writ of prohibition lies within the discretion of this court.<sup>3</sup>

Here, petitioner can appeal from the final divorce decree, if she is aggrieved.<sup>4</sup> Thus, we are not satisfied that this court's intervention

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<sup>1</sup>See Smith v. District Court, 107 Nev. 674, 677, 818 P. 2d 849, 851 (1991).

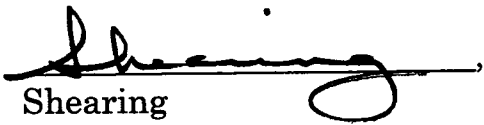
<sup>2</sup>NRS 34.330; see also NRAP 3A(b)(1) (authorizing an appeal from a final judgment, such as a divorce decree).


<sup>3</sup>See State, Dep't Mtr. Veh. v. Dist. Ct., 113 Nev. 1338, 1342, 948 P.2d 261, 263 (1997).

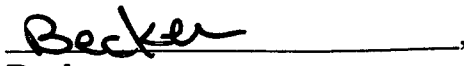
<sup>4</sup>See NRAP 3A(a).

by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.<sup>5</sup>

It is so ORDERED.

 J.  
Shearing

 J.  
Rose

 J.  
Becker

cc: Hon. Scott Jordan, District Judge, Family Court Division  
Ronald J. Logar  
Donald K. Coppa  
Washoe District Court Clerk

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<sup>5</sup>See NRAP 21(b).