



IN THE SUPREME COURT OF THE STATE OF NEVADA

REX BAGLEY,
Petitioner,

vs.

THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON;
AND THE HONORABLE JOHN
SCHLEGELMILCH, DISTRICT JUDGE,
Respondents,

and

STATE OF NEVADA DIVISION OF
WELFARE AND SUPPORTIVE
SERVICES (DWSS), A DIVISION OF
THE NEVADA DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
Real Party in Interest.

No. 92779

*ORDER GRANTING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This emergency petition for a writ of mandamus or prohibition challenges a district court order denying a motion for leave to appear at a motion hearing telephonically.

Below, petitioner Rex Bagley filed an emergency motion for a temporary restraining order or stay of an administrative decision terminating his SNAP benefits. On June 3, 2026, the district court held a hearing on the motion, at which the parties were permitted to appear remotely via Zoom. Apparently, a technical glitch resulted in the court and real party in interest being unable to view or hear Bagley, and the hearing was continued. Bagley sought to appear at the hearing telephonically, but the court denied that request without explanation, directing Bagley to appear in person. When Bagley failed to do so, the court denied the motion.

Bagley filed this petition for writ relief challenging the district court's refusal to allow his telephonic appearance, explaining that he lives 50 miles from the courthouse and lacks transportation and funds, such that he is unable to physically access the court. We directed the district court to file an answer and the clerk of that court to transmit the district court docket entries and minutes. The clerk timely transmitted the documents, but to date, the district court has not filed an answer. Therefore, we consider this matter based on the petition, supporting documents, and district court docket entries and minutes.

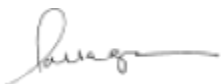
As the district court's order denying telephonic appearance explains, hearings on injunctive relief are presumptively in person under the Virtual Advocacy Rules but may occur remotely if good cause is shown. In allowing Bagley to appear by Zoom, the court apparently determined that good cause for allowing the remote appearance existed. Under SCR Part IX-B(A)(4)(2) and the Virtual Advocacy Rules, "if a party's internet connection is poor and the court is unable to view, hear, or understand an attorney or litigant, the court reserves the right to hear from the party telephonically, continue the matter, or take the matter off calendar, or pursue any other remedy that the court deems appropriate." Here, the court does not appear to have explored these alternate remote-appearance options in determining that Bagley, despite showing good cause for remote appearance and attempting to ensure a more stable connection by telephone line, was required to appear in person. *See* SCR Part IX-B(A)(2) (providing that "the court shall permit parties, to the extent feasible, to appear by telephonic transmission equipment"); *see generally LaBarbera v. Wynn Las Vegas, LLC*, 134 Nev. 393, 396, 422 P.3d 138, 140 (2018) (noting that the court abuses its discretion and violates court policy in disallowing

remote appearances when good cause exists). As the court's order gave no reason for denying the telephonic appearance request and none readily appears from the documents before us, we conclude that the district court acted arbitrarily in denying the request, warranting writ relief. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (explaining that mandamus may correct an arbitrary exercise of discretion). Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its June 11, 2026, order denying Bagley's emergency motion for temporary restraining order and stay and to schedule a new hearing on the motion, at which Bagley is allowed to appear telephonically.¹



Pickering, J.



Parraguirre, J.



Bell, J.

cc: Hon. John Schlegelmilch, District Judge
Rex Bagley
State of Nevada/DETR - Carson City
Attorney General/Las Vegas
Third District Court Clerk

¹All other relief requested in Bagley's petition is denied.