



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

COMPANIA DE AVIACION Y
LOGISTICA EMPRESARIAL S.A. DE
C.V.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JACOB A. REYNOLDS, DISTRICT
JUDGE,

Respondents,

and

CHRISTOPHER G. MEHNE, as Personal
Representative of the Estate of MANUEL
ALEJANDRO SEPULVEDA-
GONZALEZ, deceased,
Real Party in Interest.

No. 91799-COA

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

Compañía De Aviación y Logística Empresarial S.A. de C.V. petitions for a writ of prohibition challenging a district court order denying a motion to dismiss for lack of personal jurisdiction in a torts matter.

This matter involves the fatal crash of an aircraft during a flight from Las Vegas, Nevada to Monterrey, Mexico. The crash occurred in Mexico and everyone on board the aircraft was killed. Plaintiffs¹ subsequently filed suit in Nevada against various individuals and entities, including petitioner, alleging negligence, gross negligence, and wrongful death.

¹Real party in interest Christopher G. Mehne is the personal representative of the estates of plaintiffs—eight passengers who were killed in the plane crash.

Petitioner then filed a motion to dismiss the case for lack of personal jurisdiction. Real party in interest opposed the motion and the district court permitted jurisdictional discovery. The district court thereafter denied petitioner's motion to dismiss without prejudice. Specifically, the court found that plaintiffs made a prima facie showing that certain of their allegations related to negligent acts or omissions occurring on the ground in Nevada and had a sufficient connection to Nevada such that their claims could proceed as to those allegations. However, the court determined that the allegations of acts or omissions largely occurring in Mexico did not have a sufficient connection to Nevada and therefore plaintiffs could not litigate their claims based on these allegations in a Nevada court.² This petition followed.

A writ of prohibition arrests the proceedings of a tribunal that is acting in excess of, or without, jurisdiction. NRS 34.320; *Club Vista Fin. Servs., LLC v. Eighth Jud. Dist. Ct.*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012). The decision whether to entertain a petition for extraordinary writ relief is within our sole discretion, *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and petitioner has the burden of demonstrating that such relief is warranted, *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, answer, and reply, as well as petitioner's appendices, we conclude that petitioner has not met its burden of

²Despite concluding that the allegations related to acts or omissions that largely occurred in Mexico could not be litigated in a Nevada court, the district court's order did not dismiss plaintiffs' claims as to these allegations. Petitioner, however, does not challenge the order's failure to expressly dismiss the claims as to these allegations and thus we need not consider the issue. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised in an opening brief are deemed forfeited).

demonstrating that our extraordinary intervention is warranted. *See id.* As a result, we decline to exercise our discretion to consider this petition. *See Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Brown Mishler, PLLC

Gordon Rees Scully Mansukhani LLP/Las Vegas

Gordon Rees Scully Mansukhani LLP/Reno

Nolan Law Practice

Turley Law Firm

Womble Bond Dickinson (US) LLP/Las Vegas

Jacob A. Reynolds, District Judge

The Eighth Judicial District Court of the State of Nevada, in and for the
County of Clark, District Court Clerk