



IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLISON BRUNS, IN HER CAPACITY
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF KYLE BICKERSTAFF
AND ALLISON BRUNS, IN HER
CAPACITY AS HEIR TO THE ESTATE
OF KYLE BICKERSTAFF, AND
ROBERT MCKENZIE, IN HIS
CAPACITY AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF KYLE BICKERSTAFF AND
ROBERT MCKENZIE, IN HIS
CAPACITY AS HEIR TO THE ESTATE
OF KYLE BICKERSTAFF,

Petitioners,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
AND THE HONORABLE ROBERT W.
LANE, DISTRICT JUDGE,

Respondents,

and

CAMERON CULBERTSON; NICKOLAS
VONALST; DEJA JACKSON; KYLIE
STRITENBERGER; MONIKA
GONZALEZ; JOSHUA TOLDT; EMIL
DAVID JANSSEN; ESTATE OF
MILDRED LOUISE JANSSEN; JACOB
JIYANG SUN; ZIHAN LIU; AIRBNB,
INC.; AND AIRBNB PAYMENTS, INC.,
DOES I THROUGH X AND ROE
CORPORATIONS I THROUGH X,
Real Parties in Interest.

No. 91227

*ORDER GRANTING PETITION FOR
WRIT OF MANDAMUS*

This original petition seeks a writ of mandamus directing the respondent district court to resolve the pending motion to dismiss and countermotion to file a first amended complaint.¹ Petitioners filed a negligence suit against real parties in interest on June 23, 2022. Real parties in interest Airbnb, Inc. and Airbnb Payments, Inc. filed the subject motion to dismiss on August 15, 2023. Petitioners then filed a countermotion for leave to file a first amended complaint on August 25, 2023. The district court held a hearing on the motions on October 16, 2023, and then the court took the matter under advisement. At a hearing held on September 18, 2024, on a different motion, petitioners inquired about the status of the order resolving the motion to dismiss, and the district court stated it would look into the matter. No order was thereafter issued resolving the motion to dismiss or the motion for leave to file an amended complaint. Having waited over two years, on September 3, 2025, petitioners sought writ relief from this court to require the district court to resolve the motions. We directed the district court to file an answer, which the district court did on June 12, 2026.

Writ relief is an extraordinary remedy that is solely within this court's discretion. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). A writ of mandamus "shall be issued in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170. "This court may issue a writ of mandamus to compel the performance of an act which the law requires as a duty resulting from an office or where discretion has been manifestly abused or exercised arbitrarily or capriciously." *Scarbo v. Eighth Jud. Dist.*

¹Petitioners also requested a writ of procedendo as alternative relief. We determine that a writ of mandamus is more appropriate.

Ct., 125 Nev. 118, 121, 206 P.3d 975, 977 (2009) (citation modified); NRS 34.160 (stating mandamus standard).

The delay in resolving the subject motions is unacceptable. These motions have been pending now for three years. In its answer, the district court did not provide any explanation for the delay. And while the district court's answer indicates the court has reached a decision on the motions, it does not indicate whether an order resolving the motions has been filed and no such order has been provided to this court. Given the unacceptable delay and lack of explanation for the delay, we conclude our intervention is warranted. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to promptly enter a written order resolving the motion to dismiss filed on August 15, 2023, and the countermotion to file a first amended complaint filed on August 25, 2023.

A handwritten signature in black ink, consisting of a stylized 'H' followed by a horizontal line.

Herndon, C.J.

A handwritten signature in black ink, appearing to be 'JB' or similar initials.

Bell, J.

A handwritten signature in black ink, appearing to be 'J. Stiglich'.

Stiglich, J.

cc: Hon. Robert W. Lane, District Judge
The Schnitzer Law Firm
The702Firm
Cameron Culbertson
Deja Jackson
McDonald Carano LLP/Las Vegas
JK Nelson Law LLC
Joshua Toldt
Spencer Fane LLP/Las Vegas
Monika Gonzalez
Nickolas Anthony Vonalst
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas
Mitchell Rogers Injury Law
Nye County Clerk