

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY JOSEPH SCHUERMANN,
Petitioner,
vs.
THE NINTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
DOUGLAS, AND THE HONORABLE
DAVID R. GAMBLE, DISTRICT JUDGE,
Respondents,
and
RICHARD K. GARDNER; RICHARD K.
GARDNER, AS PARENT AND
NATURAL GUARDIAN OF WHITNEY
GARDNER; RICHARD K. GARDNER,
AS PARENT AND NATURAL
GUARDIAN OF R. J. GARDNER; AND
MICHAEL DUPREE, AS PARENT AND
NATURAL GUARDIAN OF KYLE
DUPREE AND GREG DUPREE,
Real Parties in Interest.

No. 39463

FILED

MAY 29 2002

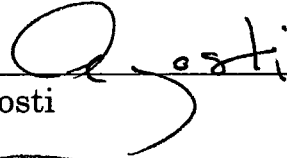
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CLIFF DEPUTY CLERK

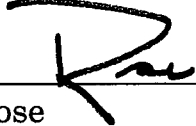
ORDER DENYING PETITION FOR WRIT OF MANDAMUS AND
DENYING EMERGENCY MOTION FOR STAY


This original petition for a writ of mandamus seeks to compel the district court to dismiss the underlying personal injury lawsuit for want of prosecution. After we ordered the real parties in interest to answer the petition, petitioner filed an emergency motion for a stay. We have reviewed the petition, the answer, and the documents appended to each, and we conclude that our intervention by extraordinary writ is not warranted.

We generally decline to consider writ petitions that challenge orders denying motions to dismiss,¹ and petitioner has not persuaded us that we should deviate from that policy in this case. We therefore deny the petition for a writ of mandamus. Because our disposition of the writ petition renders the motion for a stay moot, we deny the emergency stay motion as well.

It is so ORDERED.


_____, J.
Agosti


_____, J.
Rose


_____, J.
Leavitt

cc: Hon. David R. Gamble, District Judge
Marquis & Aurbach
Richard Glasson
Douglas County Clerk

¹Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).