

IN THE SUPREME COURT OF THE STATE OF NEVADA

STERLING DOUBRAVA; JOAN DOUBRAVA; MERLE LIPPOTT; JOELLA LIPPOTT; WENDY PRICE; HARVEY MCCULLAH; DARREL BALDWIN; BERNICE BURKETT; LARRY STRICKLAND; DEBRA STRICKLAND; T. WAYNE EVANS; DEBERA EVANS; ROGER SWENSON; FRANCES HOLT; FREDERICK BISTLINE CALVADA AERO PARK ASSOCIATION; AND CALVADA AERO PARK ARCHITECTURAL CONTROL COMMITTEE,
Petitioners,

vs.

THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE, AND THE HONORABLE JOHN P. DAVIS, DISTRICT JUDGE,
Respondents,
and
JOHN RUELL,
Real Party in Interest.

No. 40315

FILED

OCT 29 2002


JANET F. M. BLOCH
CLERK OF SUPREME COURT
BY *Richard*
CHIEF DEPUTY CLERK

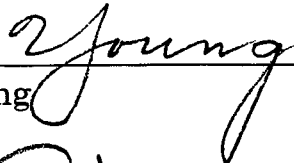
ORDER DENYING PETITION FOR WRIT
OF MANDAMUS OR PROHIBITION

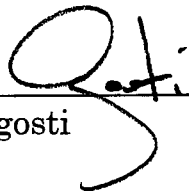
This is an original petition for a writ of mandamus or prohibition challenging a district court order that denied a motion to dismiss a complaint for injunctive relief. We have considered the petition,

and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.¹ Accordingly, we deny the petition.²

It is so ORDERED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. John P. Davis, District Judge
Markoff & Boyers
Santoro, Driggs, Walch, Kearney, Johnson & Thompson
Leavitt Law Firm
Nye County Clerk

¹See NRS 34.160; NRS 34.320; NRS 38.300(3) (providing that an action for injunctive relief involving residential property and the immediate threat of irreparable harm does not qualify as a civil action subject to mandatory arbitration or mediation); Smith v. District Court, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997) (stating that this court will not consider a writ petition challenging the denial of a motion to dismiss unless no disputed factual issues exist and, pursuant to clear legal authority, the district court is obligated to dismiss the action).

²NRAP 21(b).