

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN S. WEBB,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE LISA
BROWN, DISTRICT JUDGE, FAMILY
COURT DIVISION,

Respondents,

and

HEIDI C. WEBB,
Real Party in Interest.

No. 42377

FILED

MAR 25 2004

JANETTE S. JONES
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order concerning child support.

A writ of mandamus may issue to compel the district court to perform a required act,¹ or to control an arbitrary or capricious exercise of discretion,² and a writ of prohibition may issue to arrest proceedings that exceed the district court's jurisdiction.³ An extraordinary writ is generally

¹NRS 34.160.

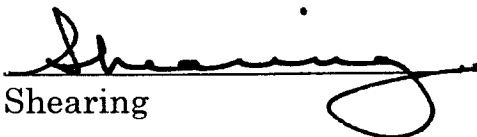
²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


³NRS 34.320.

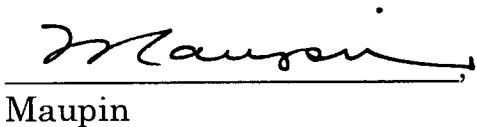
only available when there is no plain, speedy and adequate remedy at law, and the decision whether to grant a writ petition is discretionary.⁴

Under NRAP 3A(b)(2), a post-judgment order affecting the rights of a party growing out of the final judgment may be appealable as a special order made after final judgment.⁵ Here, the district court's order modifying the child support obligation affects petitioner's rights arising from an earlier order, and consequently, the order appears substantively appealable as a special order made after final judgment. Thus, extraordinary relief is inappropriate. Accordingly, we

ORDER the petition DENIED.⁶

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Hon. Lisa Brown, District Judge, Family Court Division
Michael A. Root
D. Bruce Anderson
Clark County Clerk

⁴NRS 34.170; NRS 34.330; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991).

⁵Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002).

⁶We note that petitioner has timely filed a notice of appeal from the order, which has been docketed in this court as No. 42557.