

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY DALY AND MARGARET S.
EVANS,

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
CHARLES M. MCGEE, DISTRICT
JUDGE,

Respondents,

and

HILLTOP PORTABLE BUILDINGS,
INC., AND CHRISTINA DALY,

Real Parties in
Interest.

No. 43254

FILED

MAY 7 2004

CLERK OF THE SUPREME COURT
STATE OF NEVADA
C. J. Frey

ORDER DENYING PETITION

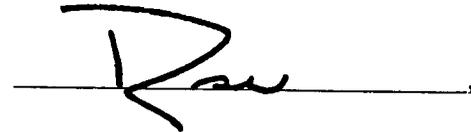
This petition for a writ of prohibition and a writ of certiorari seeks (1) to stay a show cause and contempt hearing scheduled for May 7, 2004, and (2) a review of the district court's finding and conclusion that real party in interest Hilltop Portable Buildings, Inc., is a third-party beneficiary under NRCP 71 entitled to enforce an order entered in the action below.

We have reviewed the petition, and we are not persuaded that this court's intervention by way of extraordinary writ is warranted to stay the show cause hearing at this time. Although a writ petition is the appropriate vehicle for challenging an order of contempt, see Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000), we note

that petitioners have not yet been found in contempt of court.
Accordingly, we deny the petition.

It is so ORDERED.

 _____, C.J.

 _____, J.

 _____, J.

cc: Hon. Charles M. McGee, District Judge
Margaret S. Evans
Mark L. Sturdivant
Robison Belaustegui Sharp & Low
Washoe Court Clerk