

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON HUFFER,
Petitioner,
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
GLORIA STURMAN, DISTRICT
JUDGE,
Respondents,
and
PERRY KLEIN; AND RITA KLEIN,
Real Parties in Interest.

No. 61776

FILED

DEC 05 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS, CERTIORARI, OR PROHIBITION

This original proper person petition for a writ of mandamus or, in the alternative, certiorari or prohibition challenges the district court's denial of accommodations requested pursuant to the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of certiorari is available to correct a lower tribunal's judicial action if the tribunal exceeded its jurisdiction and "there


is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.” NRS 34.020(2); see also Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court’s jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is within this court’s discretion to determine if a writ petition will be considered. Smith, 107 Nev. at 677, 818 P.2d at 851; Zamarripa, 103 Nev. at 640, 747 P.2d at 1387. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Having considered the petition and the attached documents, we conclude that petitioner has not provided this court with all documents essential to understand the matters set forth in the petition, and has thus failed to demonstrate that extraordinary relief is warranted. NRAP 21(a)(4); Pan, 120 Nev. at 228-29, 88 P.3d at 844. In particular, petitioner did not provide this court with file-stamped copies of any motions or requests for accommodations filed below, any documents filed by real parties in interest with regard to any such requests, or copies of any written file-stamped orders ruling on any requests for accommodations. See NRAP 21(a)(4) (requiring petitioner to submit with his petition copies of any order, opinion, parts of the record, or any other document that may be essential to understand the matters set forth in the petition). Accordingly, we conclude that petitioner has not met his burden of

demonstrating that our intervention is warranted, Pan, 120 Nev. at 228, 88 P.3d at 844, and we therefore deny the petition. NRAP 21(b)(1).

It is so ORDERED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

¹With regard to petitioner's request that he be allowed, as an accommodation, to have a non-attorney representative participate in the underlying case on his behalf, we note that "where a state court allows an individual to be represented by either an attorney or a non-attorney, it does not violate the ADA to require that representative to follow certain state procedures or rules in order to appear in court." Goldblatt v. Geiger, 867 F. Supp. 2d 201 (D. N.H. 2012). In Nevada, while individuals are permitted to represent themselves in judicial proceedings, it is well-established that a non-attorney is not permitted to appear as the legal representative of and make arguments on behalf of another person in such proceedings. Salman v. Newell, 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994) (explaining that "no rule or statute permits a [non-attorney] to represent any other person, a company, a trust, or any other entity in the district courts or in [the supreme court]"); see also NRS 7.285 (prohibiting a person who is not an active member of the State Bar of Nevada or otherwise authorized pursuant to the Supreme Court Rules from practicing law in this state). Here, petitioner's proposed advocate, Kenn Goldblatt, is not an attorney qualified to practice law in the State of Nevada, and thus, Goldblatt has no authority to serve as petitioner's representative in the underlying proceedings.

cc: Hon. Gloria Sturman, District Judge
Jason Huffer
David J. Winterton & Associates, Ltd.
Eighth District Court Clerk