

IN THE SUPREME COURT OF THE STATE OF NEVADA

RJS STEED LLC, A FOREIGN CORPORATION; AND ROGER STEED, AN INDIVIDUAL,
 Petitioners,
 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
 PORTRAITS USA, LLC, A NEVADA LIMITED LIABILITY COMPANY,
 Real Party in Interest.

No. 65165

FILED

JUN 03 2015

WALIE K. LINDEMAN
 CLERK OF SUPREME COURT
 BY *[Signature]*
 DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to dismiss based on issue preclusion. Petitioner argues that because the district court dismissed real party in interest Portraits USA's previous complaint with prejudice, based on lack of personal jurisdiction, the instant complaint should also be dismissed. The previous complaint, however, sought damages based on breach of an oral contract; the instant complaint seeks damages based on a written contract entered into after dismissal of the previous complaint.

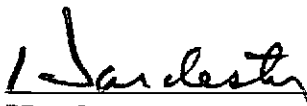
"It is well settled that the principles of res judicata apply to . . . in personam jurisdiction in the same manner as any other issue." See *Kendall v. Overseas Dev. Corp.*, 700 F.2d 536, 538 (9th Cir. 1983). Issue preclusion, however, applies when the same fact-specific issue is

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presented. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008).

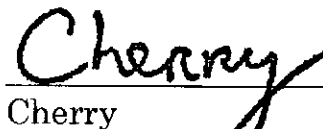
Here, the instant complaint is based on the written contract and is not based on the same facts that caused the dismissal of the second complaint.¹ Accordingly, we deny the petition. See *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197-203, 179 P.3d 556, 559-62 (2008) (denial of writ petition is proper when district court properly denied motion to dismiss).


It is so ORDERED.

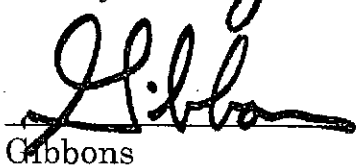

Hardesty, C.J.



Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

¹Portraits USA argues that there is jurisdiction over petitioners based on the arbitration and choice-of-law clauses, which would be a matter of first impression for this court. However, petitioners only sought dismissal based on issue preclusion and did not seek dismissal of the present complaint based on personal jurisdiction. We therefore do not consider those issues in this writ proceeding. See *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (explaining that this court is ill-suited to resolve factual issues).

cc: Hon. Gloria Sturman, District Judge
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Bowen Law Offices
Eighth District Court Clerk