

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VANDANA BHALLA,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JAMES CROCKETT, DISTRICT  
JUDGE,  
Respondents,  
and  
RAPINDER S. CHIMA,  
Real Party in Interest.

No. 73069

FILED

JUN 09 2017

ELIZABETH A. BROWN  
CLERK OF THE COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION OR MANDAMUS*

This original petition for a writ of prohibition or, alternatively, mandamus challenges the district court's denial of petitioner Vandana Bhalla's motion to dismiss real party in interest Rapinder S. Chima's breach of contract action.

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; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). 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. Eighth Judicial Dist. Court*,

17-901173

107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ petitions challenging motions to dismiss will generally not be considered unless no factual dispute exists and the district court was obligated to dismiss the action pursuant to clear authority or an important issue of law needs clarification. *Int'l Game Tech.*, 124 Nev. at 197-98, 179 P.3d at 559. And petitioner bears the burden of demonstrating that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Bhalla first argues the district court was required to dismiss the underlying breach of contract action based on issue preclusion because a prior district court held that Chima's contract claims were within the exclusive jurisdiction of the family division of the district court. We disagree with Bhalla's interpretation of the prior district court decision. Rather than determining that the contract claims could only be determined by the family division, as argued by Bhalla, the prior district court's order demonstrates that the court instead concluded that whether the claims had been adjudicated in the parties' divorce decree and the effect of such inclusion or exclusion must be decided by the family court. As the prior district court did not find that the claims were necessarily within the exclusive jurisdiction of the family court, this argument does not demonstrate that writ relief is warranted based on preclusion principles. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008) (setting forth the standards for issue preclusion); *Pan*, 120 Nev. at 228, 88 P.3d at 844 (providing that it is petitioner's burden to demonstrate that extraordinary relief is warranted).

Bhalla also contends that, as a matter of law, the claims were within the exclusive jurisdiction of the family court. NRS 3.223 provides that the family court has exclusive jurisdiction over actions "[b]rought pursuant to" certain chapters of the Nevada Revised Statutes relating to

family and juvenile matters. Here, while the parties were previously married, the underlying complaint was for breach of contract based on a contract entered into before the marriage, which came due after the parties' divorce, and there is no indication that the action was "brought pursuant to" any of the identified provisions. Indeed, the family court concluded that the matter was outside of the scope of the divorce matter and the parties' settlement agreement, such that it was properly brought in a civil action.<sup>1</sup>

Under these circumstances, we conclude that Bhalla has not demonstrated that the district court arbitrarily and capriciously abused its discretion or acted in excess of its jurisdiction, and thus, she has not demonstrated that writ relief is warranted in this matter. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. As a result, we deny the petition. *See NRAP 21(b)(1); Smith*, 107 Nev. at 677, 818 P.2d at 851 (providing that whether

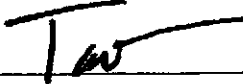
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<sup>1</sup>To the extent that Bhalla argues that the district court in this case could not look to the transcript of the family court hearing to determine that court's reasoning for its denial of Chima's motion for declaratory relief, *Rust v. Clark County School District*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987), and *Division of Child & Family Services v. Eighth Judicial District Court*, 120 Nev. 445, 451-54, 92 P.3d 1239, 1243-45 (2004), provide that a court's oral rulings, pronouncements, and judgments from the bench are generally not effective. These cases do not, however, render a court's oral discussion of its reasons for issuing a particular decision irrelevant, and indeed, "a court may consult the record and proceedings giving rise to another court's order, at least when the latter is ambiguous." *See Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 895, 266 P.3d 602, 608 (2011) (noting that a "written order's silence on [a] point at the very least renders it ambiguous").

to consider a writ petition is within this court's discretion).

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. James Crockett, District Judge  
Olson, Cannon, Gormley, Angulo & Stoberski  
JK Legal & Consulting, LLC  
Eighth District Court Clerk

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<sup>2</sup>In light of this order, we deny as moot Bhalla's June 6, 2017, motion for a stay of the district court proceedings.