

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA STATE BOARD OF NURSING,
A NEVADA AGENCY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE JOANNA
KISHNER, DISTRICT JUDGE,
Respondents,
and
MAUREEN RYAN, AN INDIVIDUAL;
AND DARLENE LISCIO, AN
INDIVIDUAL,
Real Parties in Interest.

No. 80356

FILED

MAR 18 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order denying a motion to dismiss an amended complaint for declaratory relief. A writ of prohibition is available when a district court acts without or in excess of its jurisdiction. NRS 34.320. Writ relief is an extraordinary remedy and this court has sole discretion in determining whether to entertain a writ petition. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). This court has held that it may exercise its discretion to consider a petition challenging the denial of a motion to dismiss “where no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss an action.” *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997).

Having considered petitioner’s writ petition and the supporting documentation, we are not persuaded that our extraordinary and

discretionary intervention is warranted at this time. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that it is petitioner's burden to demonstrate that our extraordinary intervention is warranted). The district court denied petitioner's motion to dismiss on jurisdictional grounds without prejudice, finding that factual issues remained as to whether the Agreement for Reprimand and Fine constitutes a final decision in a contested case, including possible issues concerning waiver. It thus contemplated further consideration of the jurisdictional issue raised by petitioner. Under these circumstances, we conclude that writ relief is not warranted at this time. Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Silver, J.
Silver

cc: Hon. Joanna Kishner, District Judge
Laxalt & Nomura, Ltd./Reno
Matthew B. Beckstead
Eighth District Court Clerk