

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP MORRIS USA INC., A FOREIGN CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE VERONICA BARISICH, DISTRICT JUDGE,

Respondents,

and

DOLLY ROWAN, AS AN INDIVIDUAL, AS SPECIAL ADMINISTRATOR FOR THE ESTATE OF NOREEN THOMPSON; NAVONA COLLISON, AS AN INDIVIDUAL; RUSSELL THOMPSON, AS AN INDIVIDUAL; R.J. REYNOLDS TOBACCO COMPANY, A FOREIGN CORPORATION; LIGGETT GROUP, LLC, A FOREIGN CORPORATION; QUICK STOP MARKET, LLC, A DOMESTIC LIMITED LIABILITY COMPANY; JOE'S BAR, INC., A DOMESTIC CORPORATION; THE POKER PALACE, A DOMESTIC CORPORATION; SILVER NUGGET GAMING, LLC, D/B/A SILVER NUGGET CASINO, A DOMESTIC LIMITED LIABILITY COMPANY; AND JERRY'S NUGGET, A DOMESTIC CORPORATION,
Real Parties in Interest.

No. 84805

FILED

AUG 11 2022

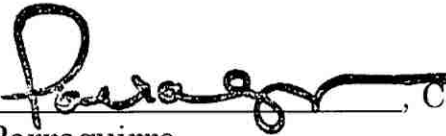
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to dismiss in an action

brought under the Nevada Deceptive Trade Practices Act. Having considered the petition and its documentation, we are not persuaded that our extraordinary and discretionary intervention is warranted. See *Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 683, 476 P.3d 1194, 1198 (2020) (declining to grant writ relief when a later appeal was available); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Generally, we will not consider writ petitions challenging orders denying motions to dismiss, and we are not persuaded that any exception to the general rule applies here. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197-98, 179 P.3d 556, 558-59 (2008) (discussing writ petitions challenging denials of motions to dismiss); see also *R.J. Reynolds Tobacco Co. v. Eighth Judicial Dist. Court*, 138 Nev., Adv. Op. 55, ___ P.3d ___ (2022) (denying writ relief in a similar challenge to an order denying a motion to dismiss in a Nevada Deceptive Trade Practices Act action). We therefore

ORDER the petition DENIED.¹


_____, C.J.
Parraguirre


_____, J.
Silver


_____, Sr.J.
Gibbons

¹The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.

cc: Hon. Veronica Barisich, District Judge
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
Shook, Hardy & Bacon LLP/Kansas City
Lewis Roca Rothgerber Christie LLP/Las Vegas
Claggett & Sykes Law Firm
Bailey Kennedy
Kelley Uustal/Fort Lauderdale
Kasowitz Benson Torres LLP/Miami
King & Spalding LLP/Atlanta
King & Spalding, LLP/Charlotte
Eighth District Court Clerk