

IN THE SUPREME COURT OF THE STATE OF NEVADA

BETTY ENGELSTAD; AND KRIS
ENGELSTAD MCGARRY,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
WILLIAM G. HENDERSON, DISTRICT
JUDGE,
Respondents,
and
TIMOTHY MCGARRY,
Real Party in Interest.

KRIS ENGELSTAD MCGARRY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
WILLIAM G. HENDERSON, DISTRICT
JUDGE,
Respondents,
and
TIMOTHY MCGARRY; AND BETTY
ENGELSTAD,
Real Parties in Interest.

No. 87591

FILED

FEB 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 87620 ✓

ORDER DENYING PETITIONS FOR WRITS OF MANDAMUS

These related petitions for writs of mandamus challenge the same district court order deferring the decision on a motion to dismiss counterclaims in a divorce action until after an evidentiary hearing.

Having considered the petitions and their supporting documents, we are not persuaded that our extraordinary intervention is

warranted. *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 grant relief). In particular, the district court has not yet decided the motion at issue. *See Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197-98, 179 P.3d 556, 558-59 (2008) (discussing general rule that court will decline to exercise discretion to entertain a writ petition that challenges an order denying a motion to dismiss); *see Pan*, 120 Nev. at 224, 228, 88 P.3d at 841 (observing the right to appeal is generally an adequate legal remedy that may preclude writ relief); *see also* NRCP 54(b) (allowing a district court to certify orders as final in certain circumstances). Accordingly, we

ORDER the petitions DENIED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

cc: Hon. William G. Henderson, District Judge
Jones & LoBello
Law Office of Daniel Marks
Smith Jain Stutzman
Mushkin & Rosenblum, Chartered
Eighth District Court Clerk