


IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA EX. REL.
CARL GENBERG AND CARL
GENBERG, AN INDIVIDUAL,
Petitioners,
vs.
JAY H. GOLDING; HENRY H.
HAIMSON; SHAWN LANGER; PETE
ALLEN; RAYMOUND HOUCK AND N8
MEDICAL, INC.,
Respondents.

No. 89799

FILED

APR 17 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT
OF QUO WARRANTO AND MANDAMUS*

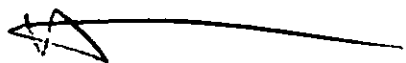
This is an original petition for writ of quo warranto and mandamus relief in a corporations matter.

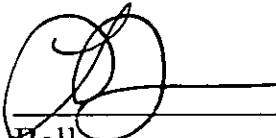
In seeking writ relief, petitioner Carl Genberg asks this court to compel a shareholder meeting for board elections, order the removal of two respondent board members, order the appointment of Genberg as interim director, require the board to investigate and assess the impact of “wrongful acts,” identify and remove those associated with the wrongful acts from positions of authority, and require respondent N8 Medical, Inc.’s CEO to enter a consent decree committing to a corrective plan to ensure product safety. Genberg asserts that such relief is warranted based on corporate malfeasance, including respondents’ misrepresentations to a federal agency and their failure to take required actions to abide by laws governing corporations. The allegations underlying those assertions necessarily require inquiry into, and determinations on, fact-bound issues like claims of fraudulent misrepresentations, board members’ potential self-dealing, and noncompliance with governing statutes and corporate articles.

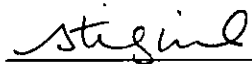
Genberg flatly asserts that "no facts are in dispute" without citing supporting documents. Regardless, none of the documents submitted with Genberg's petition prove any of the petition's factual assertions or show that any of the claims, including allegations of fraudulent misrepresentations and corporate malfeasance, are undisputed. Because of the significant factual issues, Genberg must seek relief in district court in the first instance. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (explaining that this court will not exercise its discretion to consider writ petitions when factual issues are critical in deciding the petition and instead, the petition should be filed in the district court as that tribunal is particularly equipped to inquire into the facts); see NRS 34.160 and NRS 35.080 (providing that petitions for writs of mandamus and quo warranto may be brought in the district court). Thus, without addressing the merits of the petition, we decline to exercise our original jurisdiction.

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Carl Genberg
Henry H. Haimson
Jay H. Golding
N8 Medical, Inc.
Pete Allen
Raymound Houck
Shawn Langer