

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUDITH A SAWITSKI,  
Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
TIMOTHY C. WILLIAMS,

Respondents,


and

THERESA LYNN GROH,  
INDIVIDUALLY AND IN HER  
CAPACITY AS TRUSTEE OF THE JS  
LIVING TRUST,  
Real Party in Interest.

No. 90656

FILED

MAY 23 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION

This emergency petition for a writ of certiorari or mandamus challenges a May 7, 2025, district court order in a partition action determining that the parties, through their trusts, each own a 50% share of the subject property and directing a partition through sale, with proceeds to be distributed after further proceedings. Petitioner has also filed an emergency motion for stay.

A writ of certiorari may issue when the district court acts without or in excess of its jurisdiction, NRS 34.020(2), and mandamus may be entered to control an arbitrary or capricious exercise of discretion, NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Neither writ will issue, however, when the petitioner has an adequate and speedy remedy at law. NRS 34.020(2); NRS 34.170. An appeal is generally an adequate legal remedy precluding writ

relief. NRS 34.020(2); *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

The challenged May 7 order is immediately appealable under NRAP 3A(10) (listing as appealable “[a]n interlocutory order in an action for partition that determines the rights and interests of the respective parties and directs a partition, sale, or division”). Accordingly, this court’s intervention by way of writ petition is precluded, and we therefore

ORDER the petition DENIED.<sup>1</sup>

Pickering, J.  
Pickering

Cadish, J.  
Cadish

Lee, J.  
Lee

cc: Hon. Timothy C. Williams, District Judge  
David J. Winterton & Associates, Ltd.  
Fox Rothschild, LLP/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioner’s emergency motion for stay is denied as moot.