

SUPREME COURT OF NEVADA

Chattah v. District Court (Cegavske)

No. 85298 · No. 85298 · Decided September 12, 2022

SUMMARY

The Nevada Supreme Court denied Sigal Chattah’s petition for writs of mandamus or prohibition challenging the denial of a temporary restraining order and preliminary injunction in an action concerning a candidate’s qualifications for Nevada Attorney General. The court held that the challenged order was immediately appealable under NRAP 3A(b)(3), providing a speedy and adequate remedy, and noted that Chattah had already filed an appeal.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Michael Gibbons Parraguirre; Michael L. Douglas Hardesty; Lidia S. Stiglich; Abbi Silver; Elissa F. Cadish; Ron D. Parraguirre; Patricia Lee; Linda M. Bell
JURISDICTION	Nevada
DECIDED	September 12, 2022
DOCKET	85298
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original petition for writs of mandamus or prohibition challenging the district court's denial of an application for a temporary restraining order and motion for preliminary injunction.
STANDARD OF REVIEW	Extraordinary writ relief is discretionary and generally unavailable when the petitioner has a plain, speedy, and adequate remedy at law.
PRECEDENTIAL VALUE	Published Nevada Supreme Court order; precedential status is identified as published in the supplied metadata.
PARTIES	Sigal Chattah v. The First Judicial District Court of the State of Nevada, in and for the County of Carson City, The Honorable James E. Wilson, District Judge, Elizabeth A. Brown, Barbara K. Cegavske, in her capacity as Nevada Secretary of State, John T. Kennedy

TOPICS

writ of certiorari

appellate procedure

injunctions

election law

remedies

PRACTICE AREAS

Civil procedure

Appellate procedure

Election law

Remedies

QUESTIONS PRESENTED

1. Whether the Supreme Court of Nevada should issue a writ of mandamus or prohibition to review the district court's denial of temporary injunctive relief.
2. Whether the availability of an immediate appeal from an order refusing to grant an injunction constituted a plain, speedy, and adequate remedy that precluded extraordinary writ relief.

HOLDINGS

1. The petition for writs of mandamus or prohibition must be denied because Chattah had a plain, speedy, and adequate remedy at law through an immediate appeal under NRAP 3A(b)(3).

KEY QUOTATIONS

“Whether a future appeal is sufficiently adequate and speedy necessarily turns on the underlying proceedings’ status, the types of issues raised in the writ petition, and whether a future appeal will permit this court to meaningfully review the issues presented”

“On the court’s own or a party’s motion, the court may—to expedite its decision or for other good cause—suspend any provision of these Rules in a particular case and order proceedings as the court directs ...”

FACTUAL BACKGROUND

Chattah challenged a candidate's qualifications for the Office of Attorney General. She sought a temporary restraining order and preliminary injunction from the district court, but the district court denied both requests. She sought Supreme Court relief by mandamus or prohibition while also pursuing an appeal from the injunction order.

PROCEDURAL HISTORY

Chattah filed an action challenging a candidate's qualifications for Nevada Attorney General and sought temporary injunctive relief in the First Judicial District Court. The district court denied the requested temporary restraining order and preliminary injunction. Chattah petitioned the Supreme Court of Nevada for extraordinary writ relief and separately filed a notice of appeal from the injunction order; the Supreme Court denied the writ petition.

DISPOSITION

writ_denied

CASES CITED

- Walker v. Second Judicial District Court, 136 Nev. 678, 679-80, 476 P.3d 1194, 1196 (2020)
- Dr. Horton, Inc. v. Eighth Judicial District Court, 123 Nev. 468, 474-75, 168 P.3d 731, 736 (2007)
- Falcke v. Douglas County, 116 Nev. 588, 586-87, 3 P.3d 661, 662-63 (2000)

OPINION

PER CURIAM.

SuPREME Court OF NEVADA (0) 17a ED IN THE SUPREME COURT OF THE STATE OF NEVADA SIGAL CHATTAH, No. 85298 Petitioner, vs. THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF rh CARSON CITY; AND THE F L. E bi HONORABLE JAMES E. WILSON, 12 2022 DISTRICT JUDGE, SEP Respondents, ELIZABETH A. BROWN, and B EPUTY CLERK BARBARA K. CEGAVSKE, IN HER CAPACITY AS NEVADA SECRETARY OF STATE; AND JOHN T. KENNEDY, AN INDIVIDUAL, Real Parties in Interest.

ORDER DENYING PETITION This original petition for a writ of mandamus or prohibition challenges a district court order denying an application for a temporary restraining order and motion for preliminary injunction in an action challenging a candidate’s qualifications for the Office of Attorney General. Petitioner requests relief by September 15, 2022.

The writs that petitioner seeks generally are not available when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170 (mandamus); NRS 34.330 (prohibition); Walker v. Second Judicial Dist. Court, 136 Nev. 678, 679-80, 476 P.3d 1194, 1196 (2020) (discussing adequate remedies that preclude writ relief in the context of resolving a petition for a writ of mandamus).

Here, petitioner has another remedy at 22-2384 SupREME Court OF Nevaoa {O) VITA iia law. The order she challenges was immediately appealable under NRAP 3A(b)(3) because it “refus[es] to grant an injunction.” Thus, the circumstances here are unlike other cases where this court has entertained a writ petition even though another remedy was available. See, e.g., DR. Horton, Inc. v. Eighth Judicial Dist.

Court, 123 Nev. 468, 474-75, 168 P.3d 731, 736 (2007) (explaining that “[w]hether a future appeal is sufficiently adequate and speedy necessarily turns on the underlying proceedings’ status, the types of issues raised in the writ petition, and whether a future appeal will permit this court to meaningfully review the issues presented” and concluding that “an eventual appeal” many years later would be “neither a speedy nor adequate remedy” when the issue involved pre- litigation notice of construction defects meant to prevent litigation altogether and the case had already been pending in district court for more than two years); Falcke v. Douglas County, 116 Nev. 588, 586-87, 3 P.3d 661, 662-63 (2000) (recognizing that petitioner could have sought relief through

declaratory relief action but concluding that the case presented urgent and important issues of law that should be addressed via a writ petition to avoid further delay).

And petitioner has filed a notice of appeal from the district court's order, which has been docketed in this court as *Chattah v. Cegavske*, No. 85302. She can request an expedited briefing schedule in that appeal to the extent one is warranted. See NRAP 2 "On the court's own or a party's motion, the court may—to expedite its decision or for other good cause—suspend any provision of these Rules in a particular case and order proceedings as the court directs....").

Supreme Court OF Nevada 10) 937A ae we cc: Because petitioner has a speedy and adequate remedy at law, ORDER the petition DENIED. a, CJ. arraguirre / Ao. Late, i. Hardesty Stiglich (ahi Cadish 3 Lyer) J Silver Prokorie sa Pickering Herndon Hon. James E. Wilson, District Judge Joey Gilbert Law Attorney General/Las Vegas Gallian Welker & Beckstrom, LC/Las Vegas Carson City Clerk