

IN THE SUPREME COURT OF THE STATE OF NEVADA

NITZ WALTON & HEATON, LTD.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE GLORIA
STURMAN, DISTRICT JUDGE,
Respondents,
and
TOWER HOMES, LLC,
Real Party in Interest.

No. 62252

FILED

FEB 20 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DIRECTING SUPPLEMENT TO PETITION
AND DIRECTING ANSWER

This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order denying a motion to dismiss in a legal malpractice action.

Having reviewed the petition and appendices, it appears that petitioner has set forth issues of arguable merit. Nonetheless, the district court's challenged order indicates that Tower Homes, LLC is not the proper plaintiff in this case. Consequently, petitioner shall have 11 days from the date of this order in which to file a supplement to its writ petition addressing whether the proper party issue has been resolved in the district court and, if not, whether petitioner has renewed its motion to dismiss the underlying action on this basis. Thereafter, Tower Homes shall have 20 days from the date when petitioner's supplement is served to file an answer addressing the issues raised in petitioner's original writ petition and supplement.

It is so ORDERED.

Jan Leuty, A.C.J.

cc: Hon. Gloria Sturman, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Prince & Keating, LLP
Eighth District Court Clerk