

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARGARET RAWSON,
Petitioner,
vs.
THE NINTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
DOUGLAS; AND THE NINTH
JUDICIAL DISTRICT, DEPARTMENT
II,
Respondents,
and
PEGGY CAIN; JEFFREY CAIN; AND
HELI OPS INTERNATIONAL, LLC,
Real Parties in Interest.

No. 71548

FILED

NOV 22 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER TO SHOW CAUSE

This original petition for a writ of mandamus or prohibition challenges a district court order adding a party to a default judgment under NRS 17.030. Our preliminary review of the petition and the appendix submitted to this court reveals a potential problem with petitioner's challenge to this order through an original petition for writ relief. In particular, it appears that the challenged order is substantively appealable, *see* NRAP 3A(b)(1) (permitting an appeal from a final judgment), and the right to appeal is generally an adequate legal remedy, which precludes writ relief. NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004).

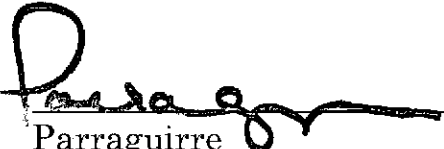
Under NRS 17.030, when a plaintiff recovers a judgment against one or more persons jointly indebted on an obligation, those joint obligors who were not originally served with a summons may later be "summoned to show cause why they should not be bound by the

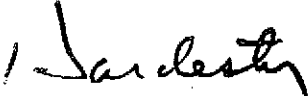
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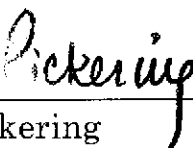
judgment.” The statutes governing proceedings against joint obligors not originally summoned contemplate a complaint, answer, defenses, and a new trial on the joint debtor issues. NRS 17.030-.080. Other jurisdictions with similar statutes have deemed these proceedings to be actions separate from the underlying matter in which the plaintiff obtained a judgment against the originally served debtors. *See, e.g., Meller & Snyder v. R & T Props., Inc.*, 73 Cal. Rptr. 2d 740 (Ct. App. 1998); *Vincent v. Grayson*, 106 Cal. Rptr. 733 (Ct. App. 1973); 30 Am. Jur. 2d *Executions and Enforcement of Judgments* §10 (2005); *see also Callie v. Bowling*, 123 Nev. 181, 185, 160 P.3d 878, 880-81 (2007) (holding that a party wishing to add a person to a judgment must do so through an independent action); *c.f. Frank Settelmeyer & Sons, Inc. v. Smith & Harmer, Ltd.*, 124 Nev. 1206, 1213-15, 197 P.3d 1051, 1056-57 (2008) (holding that a garnishment action is an independent action resulting in a final judgment appealable under NRAP 3A(b)(1)).

Accordingly, petitioner shall have 30 days from the date of this order to show cause why this petition should not be summarily denied. Real parties in interest, on behalf of respondents, shall have 15 days from service of the response to file and serve any reply.

It is so ORDERED.


Parraguirre, C.J.


Hardesty, J.


Pickering, J.

cc: Ninth Judicial District, Department II
Dubowsky Law Office, Chtd.
Matuska Law Offices, Ltd.
Douglas County Clerk