

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE LAS VEGAS REVIEW-JOURNAL;
AND THE ASSOCIATED PRESS,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,
Respondents,

and

VERONICA HARTFIELD, A NEVADA
RESIDENT; ESTATE OF
CHARLESTON HARTFIELD; AND
CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,
Real Parties in Interest.

No. 75073

FILED

APR 13 2018

ELIZABETH A. GROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DENYING MOTION TO STAY REMITTITUR

This case was resolved by opinion granting the petition for a writ of mandamus on February 27, 2018. A writ of mandamus directing the district court to vacate its preliminary injunction issued the same day and was returned on March 6, 2018. Rehearing and en banc reconsideration were denied later in March. Now, certain real parties in interest move to stay issuance of the remittitur pending their application to the U.S. Supreme Court for a writ of certiorari.

Under NRAP 41(b), parties may seek to stay remittitur in order to apply for U.S. Supreme Court review. Staying the remittitur prevents the transfer of jurisdiction from this court to the district court, until the stay is lifted. *See Dickerson v. State*, 114 Nev. 1084, 1087, 967 P.2d 1132, 1134 (1998) ("The purpose of a remittitur, aside from returning the record on

appeal to the district court, is twofold: it divests this court of jurisdiction over the appeal and returns jurisdiction to the district court, and it formally informs the district court of this court's final resolution of the appeal."). Because this is a writ proceeding, not an appeal, however, the district court never lost jurisdiction. *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 650, 5 P.3d 569, 571 (2000). Therefore, issuance of remittitur is not necessary to return jurisdiction to the district court or to make this court's decision effective; the writ of mandamus was effective immediately when issued. See *Ellis v. U.S. Dist. Court*, 360 F.3d 1022, 1022-23 (9th Cir. 2004) (explaining that writs of mandamus have "immediate effect," and that "[t]he district court does not lose jurisdiction over a case merely because a litigant files an interlocutory petition for an extraordinary writ. . . . As a consequence, there is no "mandate," i.e., return of jurisdiction, for [the appellate court] to stay or recall"). As a result, this court does not issue remittitur in writ proceedings but rather enters a notice in lieu of remittitur signaling the end of the case. Because remittitur does not issue in writ proceedings, the motion to stay remittitur is denied.

It is so ORDERED.

 C.J.

cc: Hon. Richard Scotti, District Judge
McLetchie Shell LLC
Sgro & Roger
David J. Roger
Clark County District Attorney/Civil Division
Randazza Legal Group, PLLC
Eighth District Court Clerk