

IN THE COURT OF APPEALS OF THE STATE OF NEVADA


PHILLIP J. FAGAN, JR.; AND PHILLIP
J. FAGAN, JR. 2001 TRUST,
Petitioners,
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ERIKA D. BALLOU, DISTRICT JUDGE,
Respondents,
and
AAL-JAY, INC.,
Real Party in Interest.

No. 88378-COA

FILED

APR 05 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DECLINING TO TREAT PETITION AS AN EMERGENCY AND
DIRECTING ANSWERS*


This original petition for a writ of mandamus or, in the alternative, prohibition, seeks a writ directing the scheduling of the district court trial before June 10, 2024, and directing the district court to vacate an order dismissing certain counterclaims with prejudice. Initially, having reviewed the petition and petitioners' NRAP 27(e) certificate, which requests relief within 30 days, this court declines to treat this matter as an emergency requiring a decision within 14 days per NRAP 21(a)(6). Nevertheless, this matter will be expedited to the extent this court's docket permits.

Having reviewed the petition and accompanying documents, it appears that answers may assist this court in resolving this matter. Therefore, the respondent district court judge shall have 14 days from the date of this order to file and serve an answer, including authorities, against issuance of the requested writ as to the scheduling of trial. And real party in interest, on behalf of respondents, shall have 14 days from the date of

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this order to file and serve an answer, including authorities, against the issuance of the requested writ as to the dismissal with prejudice of the counterclaims. Petitioners may file and serve any reply within 7 days after service of the last-filed answer. No extensions of time will be granted absent extreme and unforeseeable circumstances demonstrated by written motion.

It is so ORDERED.

 _____, C.J.

cc: Black & Wadhams
Lewis Roca Rothgerber Christie LLP/Las Vegas