

IN THE SUPREME COURT OF THE STATE OF NEVADA

STACEY SODERMAN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KENNETH C. CORY, DISTRICT
JUDGE,

Respondents,

and

DARLEEN PACE,
Real Party in Interest.

No. 47921

FILED

SEP 08 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order affirming and adopting the discovery commissioner's recommendation to deny petitioner's motion to extend discovery.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust or station,¹ or to control an arbitrary or capricious exercise of discretion.²


¹NRS 34.160; see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).


²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

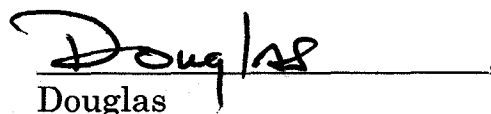
The counterpart to a writ of mandamus, a writ of prohibition is available when a district court acts without or in excess of its jurisdiction.³ Neither writ will issue, however, when the petitioner has a plain, speedy and adequate remedy in the ordinary course of law.⁴ Accordingly, petitions for extraordinary relief are generally unavailable to review discovery orders.⁵

Having considered this petition, we conclude that our intervention by way of extraordinary relief is not warranted. Consequently, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

³State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002); NRS 34.320.

⁴Gumm v. State, Dep't of Education, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005); NRS 34.170; NRS 34.330.

⁵See Hetter v. District Court, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994) (recognizing exceptions to the general rule against considering a writ petition that challenges a discovery order only "to prevent improper discovery in two situations where disclosure would cause irreparable injury: (1) blanket discovery orders without regard to relevance and (2) discovery orders requiring disclosure of privileged information").

cc: Hon. Kenneth C. Cory, District Judge
Beckley Singleton, Chtd./Las Vegas
Tharpe & Howell
Aaron & Paternoster, Ltd.
Clark County Clerk