

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUADALUPE ESCOBAR-REYES,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
STEFANY ANN MILEY, DISTRICT  
JUDGE, FAMILY COURT DIVISION,  
Respondents,  
and  
GUILLERMO PEREZ,  
Real Party in Interest.

No. 48721

**FILED**

FEB 08 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to compel discovery in a divorce proceeding.

This matter arises from the parties' underlying divorce proceeding. Petitioner Guadalupe Escobar-Reyes served real party in interest Guillermo Perez with interrogatories, requests for production of documents, and requests for admissions. When Perez did not supply Escobar-Reyes with the requested information, Escobar-Reyes moved the district court to compel discovery. Perez opposed the motion. According to Escobar-Reyes, after she filed her motion to compel, Perez "served incomplete and evasive responses to the discovery requests." Subsequently, the district court orally denied the motion. Escobar-Reyes has filed this writ petition.

This court may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> A writ of prohibition may be issued to compel a district court to cease performing acts beyond its legal authority.<sup>2</sup> Neither mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at law.<sup>3</sup> Because writs of mandamus and prohibition are extraordinary remedies, whether a petition will be considered is entirely within this court's discretion.<sup>4</sup>

Generally, this court will not review, through petitions for extraordinary relief, alleged errors in discovery pertaining to matters within the lower court's jurisdiction; instead, the aggrieved party must wait to raise such issues on direct appeal from any adverse final judgment.<sup>5</sup> However, this court has granted extraordinary relief to prevent improper discovery in two situations when disclosure would cause irreparable injury: (1) blanket discovery orders without regard to

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<sup>1</sup>NRS 34.160; Washoe County Dist. Attorney v. Dist. Ct., 116 Nev. 629, 5 P.3d 562 (2000).

<sup>2</sup>NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

<sup>3</sup>NRS 34.170; NRS 34.330

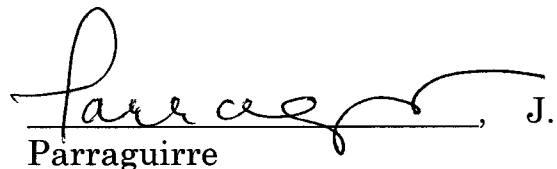
<sup>4</sup>Barnes v. District Court, 103 Nev. 679, 748 P.2d 483 (1987).

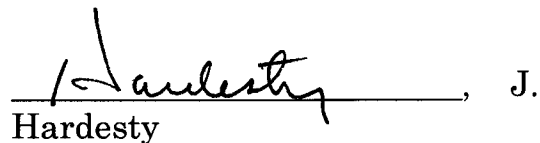
<sup>5</sup>See Schlatter v. District Court, 93 Nev. 189, 561 P.2d 1342 (1977).

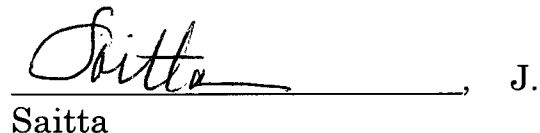
relevance, and (2) discovery orders requiring disclosure of privileged information.<sup>6</sup>

This case does not fit within these exceptions, as it does not involve a blanket discovery order and the information Escobar-Reyes seeks does not appear to be privileged or confidential. Therefore, because Escobar-Reyes appears to have an adequate and speedy legal remedy in the form of an appeal from any adverse final judgment entered in the underlying action,<sup>7</sup> this court's intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition.<sup>8</sup>

It is so ORDERED.<sup>9</sup>

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Saitta

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<sup>6</sup>Hetter v. District Court, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994).

<sup>7</sup>See NRAP 3A(a) (providing that an aggrieved party may appeal); NRAP 3A(b)(1) (permitting an appeal from a final judgment).

<sup>8</sup>See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

<sup>9</sup>We deny petitioner's motion for a stay as moot in light of this order.

cc: Hon. Stefany Miley, District Judge, Family Court Division  
Hofland/Eccles  
Gary Logan  
Eighth District Court Clerk