


IN THE SUPREME COURT OF THE STATE OF NEVADA

WIMAR TAHOE CORPORATION,
Petitioner,
vs.
THE NINTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
DOUGLAS, AND THE HONORABLE
DAVID R. GAMBLE, DISTRICT JUDGE,
Respondents,
and
PARK CATTLE CO.,
Real Party in Interest.

No. 51017

FILED

FEB 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court's ruling that certain documents are protected by the work product doctrine. Although petitioner has not filed a motion for a stay, the petition indicates that trial in the underlying case is scheduled to start on February 11, 2008, and petitioner alleges that it requires the protected information to adequately present its case at trial.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or an arbitrary

or capricious exercise of discretion.¹ Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion.² Also, petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted.³

After reviewing the petition and supporting documentation, we conclude that petitioner has not met its burden of demonstrating that our intervention by way of extraordinary relief is warranted. Generally, writ relief is unavailable in discovery disputes, unless the challenged district court order either (1) is a blanket discovery order without regard to relevance, or (2) compels the disclosure of privileged information.⁴ It appears that neither of these exceptions applies in this case. Further, as the district court trial is apparently scheduled to commence imminently, it appears that petitioner has an adequate and speedy legal remedy available in the form of an appeal from any adverse final judgment entered in the underlying case.⁵ Accordingly, our intervention by way of extraordinary relief is not warranted, and we deny the petition.⁶

¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

²See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

³Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁴See Clark County Liquor v. Clark, 102 Nev. 654, 659, 730 P.2d 443, 447 (1986).

⁵See NRS 34.170; Pan, 120 Nev. at 224, 88 P.3d at 841.

⁶See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

It is so ORDERED.⁷

Maupin, J.

Maupin

Cherry, J.
Cherry

Saitta, J.
Saitta

cc: Hon. David R. Gamble, District Judge
Jones Vargas/Reno
Andrew L. Collier
Downey Brand LLP
Douglas County Clerk

⁷In light of this order, petitioner's emergency motion for stay is denied as moot.