

IN THE SUPREME COURT OF THE STATE OF NEVADA

ATC/VANCOM, INC., AND HENRY MOORE,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE HONORABLE  
JESSIE WALSH, DISTRICT JUDGE,

Respondents,

and

MONA ELMOHAMED, BY AND THROUGH  
HER GUARDIAN AD LITEM, PATRICK J.  
MURPHY, AND TURNBERRY PAVILION  
PARTNERS, LIMITED PARTNERSHIP,  
Real Parties in Interest.

No. 53829

**FILED**

**JUN 04 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRITS OF MANDAMUS OR PROHIBITION


This original petition for writs of mandamus or prohibition challenges district court orders entering discovery sanctions against petitioner Henry Moore, denying reconsideration of the sanction order, and granting summary judgment against petitioner ATC/Vancom.


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, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). We may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320. Neither mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. Both

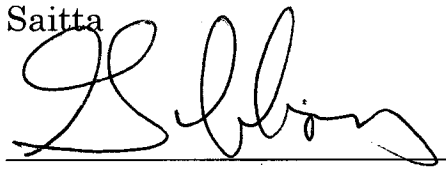
mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted, and we therefore deny the petition. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b).

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

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<sup>1</sup>We note that our denial of this petition does not preclude petitioner from challenging the interlocutory orders at issue in this petition in an appeal once a final judgment has been entered in the underlying action. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing that, generally, interlocutory orders may be challenged within the context of an appeal from the final judgment).

cc: Hon. Jessie Elizabeth Walsh, District Judge  
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Murdock & Associates, Chtd.  
Steven Williams Esq.  
Eighth District Court Clerk