

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOYD GAMING CORPORATION, A
NEVADA CORPORATION; STEVE
COOPER; AND TOM GRIFFIN,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,

and

DEBRA KOEHLER-FERGEN,
INDIVIDUALLY, AND AS SPECIAL
ADMINISTRATRIX OF THE ESTATE
OF TRAVIS WAYNE KOEHLER;
ESTATE OF TRAVIS WAYNE
KOEHLER; ROBERT W. KOEHLER,
JR., INDIVIDUALLY, AND AS
SURVIVING FATHER OF TRAVIS
WAYNE KOEHLER; SETH ANDREW
LUZIER, AN INDIVIDUAL, AND
SURVIVING SON OF DECEASED
RICHARD LUZIER; AND GABRIEL
THOMAS LUZIER, AN INDIVIDUAL,
AND AS SON OF DECEASED
RICHARD LUZIER,
Real Parties in Interest.

No. 54336

FILED

OCT 08 2009

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges district court orders allowing real parties in interest to amend their complaints.

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 petitioners have 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 this court's discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of the documents before us,¹ we conclude that our intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1).

It is so ORDERED.²

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

¹Although not the sole basis for this court's denial of this petition, we note that petitioners have failed to meet their NRAP 21 burden of providing copies of all documents necessary for an understanding of the issues raised in this petition. Pan, 120 Nev. at 228, 88 P.3d at 844. Specifically, petitioners have failed to provide us with copies of any pleadings related to the motion to dismiss granted by the district court or any oppositions or replies related to the motions to amend filed by real parties in interest.

²In light of this order, we deny as moot petitioners' request for a stay.

cc: Hon. Mark R. Denton, District Judge
Law Offices of Thomas D. Beatty
Olson, Cannon, Gormley & Desruisseaux
George T. Bochanis, Ltd.
Hanratty Roberts Law Group
Eighth District Court Clerk