

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAB PROPERTIES, AS SUCCESSOR IN  
INTEREST TO DANA CORBO,  
NOMINAL PLAINTIFF PRIVATE  
FUNDING OF NEVADA, A NEVADA  
CORPORATION

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ELISSA F. CADISH, DISTRICT JUDGE,

Respondents,

and

TEJUNE KANG,  
Real Party in Interest.

No. 54506

**FILED**

**SEP 09 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 a district court order granting a motion to quash a writ of garnishment.

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. NRS 34.320. Both mandamus and prohibition are extraordinary remedies, however, 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). A writ will issue only when petitioners have no plain, speedy, and adequate legal remedy, NRS 34.170; NRS 34.330, and this court has consistently held that an appeal typically is an adequate legal remedy precluding writ relief. See, e.g., D.R. Horton v. Dist. Ct., 123 Nev. 468, 474, 168 P.3d 731, 736 (2007); Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan, 120 Nev. at 228, 88 P.3d at 844.

Having reviewed the petition and its accompanying documents, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Pickering, J.  
Pickering

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<sup>1</sup>In light of this order, we deny petitioner's emergency motion for stay as moot.

cc: Hon. Elissa F. Cadish, District Judge  
Susan Frankewich, Ltd.  
Lawrence J. Semenza  
Eighth District Court Clerk