

IN THE SUPREME COURT OF THE STATE OF NEVADA

QUEENSRIDGE TOWERS, LLC,
Petitioner,

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

PERINI BUILDING COMPANY,
Real Party in Interest.

No. 55814

FILED

SEP 01 2010

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders denying a motion to hold real party in interest in contempt as a sanction for discovery abuses involving the alleged spoliation of evidence and granting a motion to compel arbitration in a real property contract action.

Having reviewed the documents before this court, we conclude that writ relief is not warranted for two reasons.

First, petitioner has failed to identify why this court should address the discovery issues presented in this petition, particularly when


the district court ordered the case to arbitration for determination of evidentiary issues by the arbitrator. See Hetter v. District Court, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994) (recognizing two exceptions to the general policy against considering writ petitions that challenge discovery orders to prevent irreparable harm: “(1) blanket discovery orders without regard to relevance and (2) discovery orders requiring disclosure of privileged information”); Clark County Liquor v. Clark, 102 Nev. 654, 659-60, 730 P.2d 443, 447 (1986) (declining, as a general rule, to consider writ petitions that challenge discovery orders).


Second, the requested writ relief is premature as the parties have yet to complete the arbitration of their dispute. See Rent-A-Center, West, Inc. v. Jackson, 130 S. Ct. 2772 (2010) (compelling arbitration of a dispute challenging the enforceability of an agreement subject to arbitration). Moreover, we note that the parties effectively stipulated, at the June 16, 2008, hearing regarding all motions then pending before the district court that the court had authority to consider the underlying evidentiary matters. Consequently, we are not satisfied that our intervention by way of extraordinary relief is warranted at this time. See NRAP 21(b); Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (stating that the petitioner has the burden of showing that extraordinary

writ relief is warranted); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).¹ Accordingly, we

ORDER the petition DENIED.²


_____, J.
Hardesty


_____, J.
Saitta


_____, J.
Gibbons

¹We further note petitioner's procedural deficiencies in failing to provide this court with all necessary documents, including real party in interest's answer, counterclaim, and cross-complaint and the motion to compel arbitration and any opposition or reply thereto in the underlying proceeding. NRAP 21(a)(4).

²In light of this order, we vacate our April 28, 2010, order granting a temporary stay in this matter and deny petitioner's motion for a stay. Petitioner's motion for leave to file a reply to real party in interest's answer is granted. The clerk of this court shall detach and file petitioner's reply, which is attached as Exhibit A to petitioner's July 27, 2010, motion. All other motions and requests for relief currently pending as part of this petition are denied.

cc: Hon. Mark R. Denton, District Judge
Lionel Sawyer & Collins/Las Vegas
Morris Peterson/Las Vegas
Martin & Allison, Ltd.
McDonald Carano Wilson LLP/Las Vegas
McDonald Carano Wilson LLP/Reno
Michael R. Mushkin & Associates, P.C.
Peel Brimley LLP
Eighth District Court Clerk