

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID NEWMAN; AND MIROSLAVA
MOGLER,
Petitioners,

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

PENNY NEWMAN,
Real Party in Interest.

No. 57087

FILED

NOV 03 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK


ORDER DENYING PETITION FOR
WRIT OF CERTIORARI OR MANDAMUS

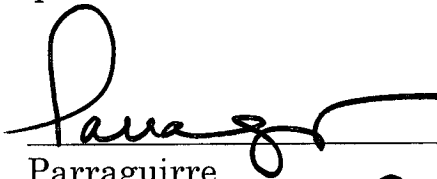
This original petition for a writ of certiorari or mandamus seeks to prevent a November 4, 2010, punitive damages hearing from going forward against petitioner David Newman.

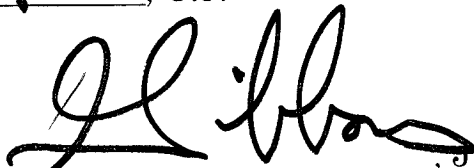
The writs of certiorari and mandamus are extraordinary remedies, and the decision to entertain a petition requesting such relief is addressed to this court's discretion. Dangberg Holdings v. Douglas Co., 115 Nev. 129, 978 P.2d 311 (1999); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Petitioners bear the burden of demonstrating that this court's intervention by way of extraordinary writ relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); NRAP 21(c) (providing that a petition for an extraordinary writ other than mandamus or prohibition generally shall be sought in the same manner as a petition for a writ of prohibition or mandamus).

Having reviewed the petition and its supporting documentation,¹ we are not persuaded that our intervention by way of extraordinary writ relief is warranted. First, the petition is premature, as at this juncture, no punitive damages have been awarded against Newman. Second, petitioners have not demonstrated that no alternative adequate legal remedy exists, such as an appeal from the final judgment, which would preclude writ relief. See NRS 34.020(2) (providing that a writ of certiorari may be issued only when an appeal is unavailable and petitioners have no plain, speedy, and adequate alternative remedy); NRS 34.170 (providing that a writ of mandamus may be issued only when petitioners have no plain, speedy, and adequate legal remedy); Pan, 120 Nev. at 224, 88 P.3d at 841 (recognizing that an appeal is generally an adequate legal remedy precluding writ relief). Accordingly, we

ORDER the petition DENIED.²


_____, J.
Cherry


_____, C.J.
Parraguirre


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Robert W. Lueck, Esq.
Brian K. Berman
Eighth District Court Clerk

¹Petitioners provided neither all “the facts necessary to understand the issues presented by the petition,” NRAP 21(a)(3)(C), nor all of the documents “that may be essential to understand the matters set forth in the petition.” NRAP 21(a)(4).

²In light of this order, we deny as moot petitioners’ November 2, 2010, emergency motion for a stay.