

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRST TRANSIT, INC., A DELAWARE  
CORPORATION,

Petitioner,

vs.

REGIONAL TRANSPORTATION  
COMMISSION OF SOUTHERN  
NEVADA, A POLITICAL SUBDIVISION  
OF THE STATE OF NEVADA,  
Respondent.

No. 58611

**FILED**

**JUL 13 2011**

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 seeks to compel respondent to execute a contract with petitioner for the provision of public transportation services.

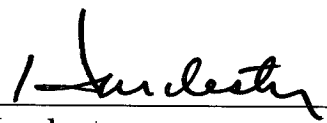
Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170, a writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Prohibition may be warranted when the district court exceeds its jurisdiction, NRS 34.320, and there is no plain, speedy, and adequate legal remedy. NRS 34.330. Mandamus and prohibition are extraordinary remedies, and whether such petitions will be considered is within our sole discretion. Smith v. District Court 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991).

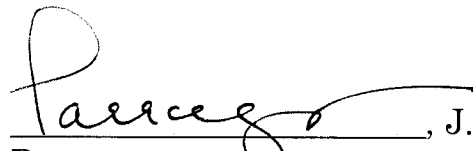
Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. Here, petitioner sought extraordinary relief from this court in the first instance,

without first seeking any relief in the district court. Petitioner, however, has provided no explanation as to why seeking relief from the district court does not provide it with a plain, speedy, and adequate legal remedy. Accordingly, because we conclude that petitioner should first seek relief from the district court, we deny the petition based on the availability of that plain, speedy, and adequate legal remedy.<sup>1</sup> NRS 34.170; NRS 34.330; NRAP 21(b)(1).

It is so ORDERED.<sup>2</sup>

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Lionel Sawyer & Collins/Las Vegas  
Zev E. Kaplan  
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC

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<sup>1</sup>Petitioner has failed to address why a petition for extraordinary relief, as opposed to some form of district court action, constitutes the appropriate vehicle for challenging respondent's actions.

<sup>2</sup>In light of this order, we deny as moot petitioner's July 11, 2011, motion to file a supplemental brief and for a stay, as well as Veolia Transportation Services' June 24, 2011, motion to intervene in this action and its July 13, 2011, motion for leave to file a response to petitioner's July 11 motion.