

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE MEDINA, INDIVIDUALLY;  
DENISE MEDINA, AS THE NATURAL  
PARENT AND GUARDIAN OF  
MICHAEL MEDINA, A MINOR; AND  
ARTURO ALCALDE,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
NANCY L. ALLF, DISTRICT JUDGE,

Respondents,

and

COOPER TIRE & RUBBER COMPANY;  
AND MOISES MEDINA,  
Real Parties in Interest.

No. 59925

**FILED**

**MAR 08 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order dismissing a tort action on forum non conveniens grounds.

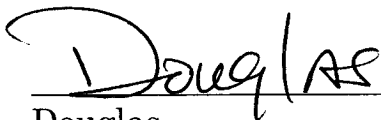
Writ relief is generally available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for extraordinary relief will be considered is purely discretionary with this court. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Moreover, this court has held

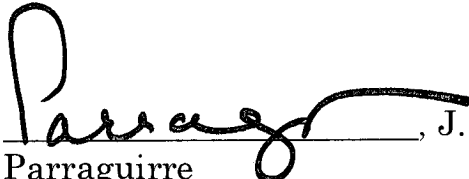
that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Additionally, it is petitioners' burden to demonstrate that this court's extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

Here, petitioners have an adequate legal remedy in the form of an appeal from a final judgment,<sup>1</sup> see NRAP 3A(b)(1), and have not otherwise met their burden of demonstrating that extraordinary relief is warranted. Pan, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we conclude that our intervention by way of extraordinary relief is not warranted, id. at 224, 88 P.3d at 841; NRAP 21(b)(1), and we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Nancy L. Alf, District Judge  
Christensen Law Offices, LLC  
Dennett Winspear, LLP  
Lewis & Roca, LLP/Las Vegas  
Stephens, Gourley & Bywater  
Eighth District Court Clerk

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<sup>1</sup>To the extent that petitioners argue that the district court's dismissal order may not have conclusively resolved the case as to all parties, this assertion does not alter our conclusion as petitioners have not demonstrated that NRCP 54(b) certification is not available.