

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUCIAETTA MARIE IVEY,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
WILLIAM B. GONZALEZ, DISTRICT  
JUDGE,

Respondents,

and

PHILLIP DENNIS IVEY, JR.,  
Real Party in Interest.

No. 60916

**FILED**

**APR 08 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION


This is an original petition for a writ of mandamus or prohibition challenging a district court order regarding discovery in a domestic relations matter.

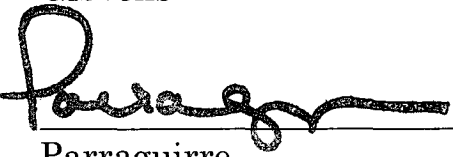
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court 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. *See* NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is within our discretion to determine if a writ petition will be considered. *Smith*, 107 Nev. at 677, 818 P.2d at 851. Petitioner

bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Here, petitioner has not established that the district court was required to allow additional discovery or that the district court acted arbitrarily or capriciously in denying petitioner's request for further discovery. *See Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *see also* NRCP 16.21 (permitting a district court to reopen discovery on a showing of good cause). Moreover, petitioner has not alleged that the district court acted outside of its jurisdiction by denying the request. *See Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, as petitioner has not met her burden of demonstrating that extraordinary relief is warranted, *see Pan*, 120 Nev. at 228, 88 P.3d at 844, we decline to exercise our discretion to issue writ relief in this case. *See* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851. We therefore

ORDER the petition DENIED.

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

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

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

cc: Hon. William B. Gonzalez, District Judge, Family Court Division  
Pecos Law Group  
Chesnoff & Schonfeld  
Eighth District Court Clerk