

IN THE SUPREME COURT OF THE STATE OF NEVADA

BEHZAD BINAFAARD; DALIA
SHAKARGI; MEHRDAD KAJIAN;
MICHAEL FARAJI; AND AMMUS
CORPORATION,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,
Respondents,
and
CML-NV MSA, LLC; AND CML-NV
TWO, LLC,
Real Parties in Interest.

No. 61247

FILED

AUG 07 2012

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

**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION**

This original petition for a writ of mandamus or prohibition seeks to compel the district court to apply NRS 40.495(3) in a contract action.


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). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320; State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). Neither writ is appropriate when the petitioner has a plain, speedy, and adequate remedy at law, NRS 34.170; NRS 34.330, and we have consistently held that an appeal is generally an adequate legal


remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. In particular, petitioners have an adequate legal remedy in the form of an appeal from any final judgment. Id. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Saitta


_____, J.
Parraguirre

cc: Hon. Rob Bare, District Judge
Marquis Aurbach Coffing
Lionel Sawyer & Collins/Las Vegas
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioners' motion for stay.