

IN THE SUPREME COURT OF THE STATE OF NEVADA

COSTA CASA PROPERTY
MANAGEMENT, INC., A NEVADA
CORPORATION; COSTA CASA
PROPERTY MANAGEMENT, INC., A
NEW MEXICO CORPORATION;
DANIEL RIVAS, AN INDIVIDUAL;
AND RICHARD MCKNIGHT, ESQ.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,

Respondents,

and

LAWRENCE THOMPSON, AN
INDIVIDUAL; GREG BARKER, AN
INDIVIDUAL; PATRICIA MURRAY, AN
INDIVIDUAL; LAUGHLIN
ASSOCIATES, INC., A NEVADA
CORPORATION; AND SCOTT
BURNETT, AN INDIVIDUAL,
Real Parties in Interest.

No. 61448

FILED

SEP 27 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelina*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order disqualifying counsel.

On August 29, 2012, petitioner Richard McKnight, as attorney for petitioners, filed a notice requesting that the writ petition be withdrawn, stating that the remaining petitioners had obtained new counsel in the district court, and thus, our extraordinary intervention was unnecessary. Before this court took action on the notice, the remaining

petitioners, through their new counsel, filed a motion to reinstate proceedings, contending that they had not consented to McKnight's attempt to withdraw the petition. The remaining petitioners argued that, although the issue of counsel disqualification had been resolved, this court should entertain the writ petition and determine whether certain materials were protected by attorney-client privilege. Real parties in interest opposed the motion to reinstate.


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; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Additionally, it is petitioners' burden to demonstrate that this court's extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. Moreover, this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

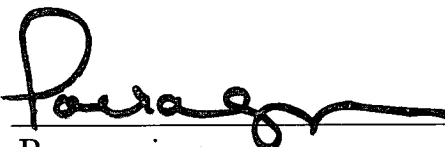
Having considered the parties' arguments and acknowledgements and the documents before this court, we conclude that the issue of counsel disqualification is moot and that our extraordinary intervention is not warranted on the evidentiary issues raised by the remaining petitioners in their motion to reinstate. Pan, 120 Nev. at 224, 88 P.3d at 841. Specifically, we conclude that petitioners have a plain,

speedy, and adequate remedy in the form of an appeal from any adverse final judgment. Id. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Ronald J. Israel, District Judge
Glenn C. Schepps
Kolesar & Leatham, Chtd.
Eighth District Court Clerk

¹In light of this order, petitioners' motion to strike portions of the appendix is denied as moot.