

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY DANE,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JOANNA KISHNER, DISTRICT  
JUDGE,

Respondents,  
and

GEICO GENERAL INSURANCE  
COMPANY,  
Real Party in Interest.

No. 62297

TONY DANE,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JOANNA KISHNER, DISTRICT  
JUDGE,

Respondents,  
and

GEICO GENERAL INSURANCE  
COMPANY,  
Real Party in Interest.

No. 62298 ✓

**FILED**

DEC 20 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malm  
DEPUTY CLERK

TONY DANE,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; THE HONORABLE JOANNA  
KISHNER, DISTRICT JUDGE; AND

No. 62316

CHRIS A, BEECROFT, JR.,  
DISCOVERY COMMISSIONER,  
Respondents,  
and  
GEICO GENERAL INSURANCE  
COMPANY,  
Real Party in Interest.

ORDER DENYING PETITIONS  
FOR WRITS OF MANDAMUS OR PROHIBITION


These are original petitions for a writ of mandamus or prohibition challenging district court orders in an insurance breach of contract and bad faith action. In Docket No. 62297, petitioner challenges the district court's order granting in part a motion in limine to exclude expert testimony. In Docket No. 62298 petitioner challenges the district court's partial summary judgment. In Docket No. 62316, petitioner challenges the district court's order denying petitioner's motion to compel.


"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." International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (citations omitted); see NRS 34.160. A writ of prohibition may be granted when the district court exceeds its jurisdiction. NRS 34.320. It is within this court's discretion to determine whether a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating 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,

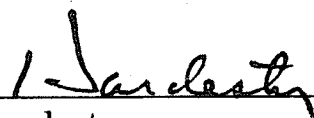
only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. Moreover, this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

Petitioner filed all three petitions as emergencies under NRAP 21(a)(6) and NRAP 27(e). We have expedited our consideration of the petitions and appendices filed in these matters, and conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. Pan, 120 Nev. at 228, 88 P.3d at 844. In particular, petitioner will have a plain, speedy, and adequate remedy in the form of an appeal from any adverse final judgment. Id. at 224, 88 P.3d at 841; Smith, 107 Nev. at 677, 818 P.2d at 851; see NRAP 21(b)(1). Accordingly, we

ORDER the petitions DENIED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Joanna Kishner, District Judge  
Mann Law Firm  
Georgeson Angaran, Chtd.  
Eighth District Court Clerk