

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,
and
BANK OF AMERICA, N.A.,
Real Party in Interest.

No. 63128

FILED

SEP 20 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angers*
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*


This original petition for a writ of mandamus, or alternatively, prohibition, challenges district court orders denying motions to dismiss.

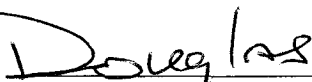
“A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion.” *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 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. Eighth Judicial Dist. 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. Eighth Judicial Dist. Court*, 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. 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 petition, answer, reply, and appendices filed in this matter, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. Moreover, petitioner has an adequate legal remedy in the form of an appeal from any adverse final judgment. *Pan*, 120 Nev. at 224, 88 P.3d at 841; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Mark R. Denton, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Akerman Senterfitt/Las Vegas
Eighth District Court Clerk

¹In light of this order, real party in interest's motion to strike portions of petitioner's reply brief, or in the alternative to file a surreply brief, is denied as moot.