

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOAN MORRIS,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUG SMITH, DISTRICT JUDGE,  
Respondents,  
and  
MACE YAMPOLSKY,  
Real Party in Interest.

No. 63223

FILED

JUN 14 2013

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

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

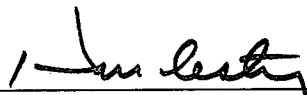
This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order granting partial summary judgment.

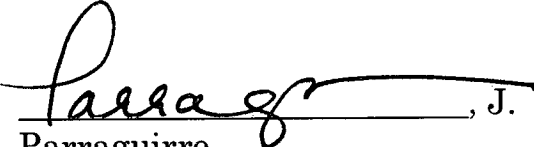
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether a petition for mandamus or prohibition relief will be considered is purely discretionary with this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our 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 only where there is no plain, speedy, and adequate remedy in the ordinary

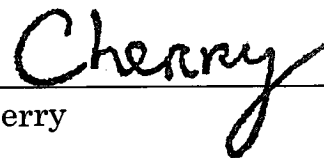
course of law. NRS 34.170; NRS 34.330; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Moreover, this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. *Smith*, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.

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

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Doug Smith, District Judge  
Cohen-Johnson LLC  
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas  
Eighth District Court Clerk