

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRIPLE J. TOURS, INC., D/B/A TRIPLE  
J. TOURS, A NEVADA CORPORATION;  
JAMES LAYMAN; AND BOYD GAMING  
CORPORATION D/B/A BOYD GAMING,  
A NEVADA CORPORATION,

Petitioners,

vs.

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

Respondents,

and

THE ESTATE OF SCOTT THOMASON;  
CHRIS THOMASON, INDIVIDUALLY,  
AS SPECIAL ADMINISTRATOR, AND  
AS THE PERSONAL  
REPRESENTATIVE AND HEIR OF  
SCOTT THOMASON,

Real Parties in Interest.

No. 63248

**FILED**

JUL 24 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malin*  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

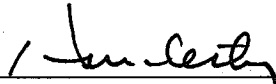
This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss a wrongful death action.

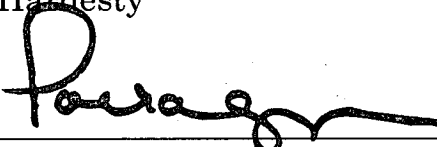
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev.

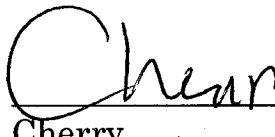
at 197, 179 P.3d at 558. It is within our discretion to determine if a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). This court generally will not consider writ petitions challenging district court orders denying motions to dismiss unless no factual dispute exists and the district court was obligated to dismiss the action pursuant to clear authority or an important issue of law needs clarification. *Int'l Game Tech.*, 124 Nev. at 197-98, 179 P.3d at 558-59.

Here, petitioners argue that the district court should have dismissed the action based on its inherent powers because a previous case had been filed relating to the same underlying incident. According to petitioners, however, the previous action was dismissed for procedural reasons. Moreover, petitioners have not identified either clear authority obligating the district court to dismiss this action or an important issue of law that needs clarification. Accordingly, we deny the petition. See NRAP 21(b)(1); *Int'l Game Tech.*, 124 Nev. at 197-98, 179 P.3d at 558-59.

It is so ORDERED.

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

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

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

cc: Hon. Michael Villani, District Judge  
Hall Jaffe & Clayton, LLP  
Jones Wilson  
Eighth District Court Clerk