

IN THE SUPREME COURT OF THE STATE OF NEVADA

CALIFORNIA STATE AUTOMOBILE
ASSOCIATION, A FOREIGN NON-
PROFIT CORPORATION; AND AAA
NEVADA INSURANCE COMPANY,
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF WASHOE;
AND THE HONORABLE ELLIOTT A.
SATTLER, II, DISTRICT JUDGE,

Respondents,

and

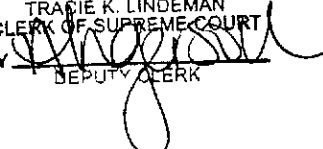
TAREN KINNEY,

Real Party in Interest.

No. 63904

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

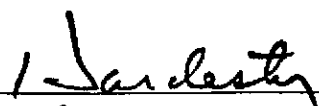
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

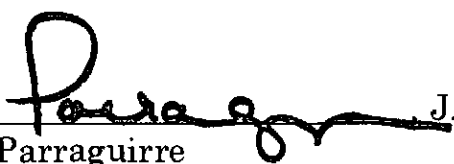
This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to enforce a settlement agreement.

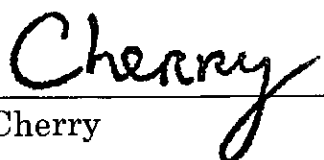
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Mandamus will not issue when the petitioners have a plain, speedy, and adequate remedy at law, NRS 34.170, and we have consistently held that an appeal is generally an adequate legal remedy precluding writ relief. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having reviewed the petition, answer, reply, and the attached documents, we are not persuaded that writ relief is warranted. The record demonstrates that there are material questions of fact involving whether the parties reached an enforceable settlement agreement. This court typically declines to exercise its discretion to consider writ petitions involving disputed issues of fact. *See Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997). As there are disputed issues of material fact in the present case, and petitioners have an adequate remedy in the form of an appeal from any adverse final judgment, we decline to exercise our discretion to consider this writ petition. *Id.*; *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Elliott A. Sattler, II, District Judge
Alverson Taylor Mortensen & Sanders
Law Offices of Curtis B. Coulter
Washoe District Court Clerk