

IN THE SUPREME COURT OF THE STATE OF NEVADA

CUSTOM FIBERGLASS
MANUFACTURING, CO. D/B/A
SNUGTOP AND CUSTOM HARDTOPS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE DOUGLAS W.
HERNDON, DISTRICT JUDGE,

Respondents,

and

SALIMA HASSANALI; SCHRODT
ENTERPRISES, INC. D/B/A VALLEY
CAMPER SALES; MICHAEL BAUTISTA;
AND JOAN BAUTISTA,
Real Parties in Interest.

No. 64132

FILED

OCT 03 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

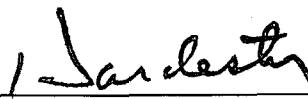
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

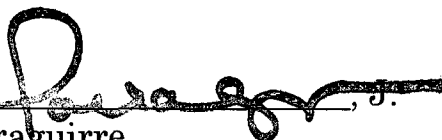
This is an original petition for a writ of mandamus challenging a district court order denying petitioner's request to reverse a discovery commissioner's recommendation that certain expert reports not be stricken and that discovery be reopened.

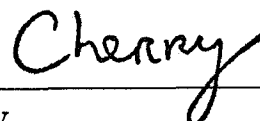
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court has repeatedly stated that it will generally exercise its discretion to consider writ petitions challenging discovery rulings only in two situations—when the district court has issued a blanket discovery order with no regard to relevance or

when the discovery order compels disclosure of privileged information. *Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. ___, ___, 252 P.3d 676, 679 (2011). Here, petitioner seeks to compel the district court to strike certain expert reports that it contends were submitted in the underlying case after the time for filing such documents had expired. This request, however, does not fall into either of the two situations in which this court has determined that writ relief may be appropriate to address allegedly improper discovery. *Id.* Under these circumstances, we conclude that our extraordinary intervention in this matter is not warranted, and we therefore deny the petition. NRAP 21(b)(1); *Valley Health*, 127 Nev. at ___, 252 P.3d at 679.

It is so ORDERED.¹


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Douglas W. Herndon, District Judge
Gass Weber Mullins, LLC
Hall Jaffe & Clayton, LLP
Lewis & Associates, LLC
Hutchison & Steffen, LLC
Georgeson Angaran, Chtd.
Eighth District Court Clerk

¹In light of this order, we deny as moot all requests for relief pending in this matter.