

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM S. ARRINGTON, AN  
INDIVIDUAL,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ALLAN R. EARL, DISTRICT JUDGE,  
Respondents,  
and  
RBM CONSTRUCTION, INC., A  
NEVADA CORPORATION; DAVID  
ROSENAUR, AN INDIVIDUAL; AND  
DAVID ROSENAUR 1990 LIVING  
TRUST, A TRUST,  
Real Parties in Interest.

No. 64147

**FILED**

OCT 22 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malone*  
DEPUTY CLERK

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION*

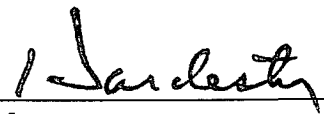
This original petition for a writ of mandamus or prohibition challenges a district court order granting and denying cross motions for partial summary judgment.

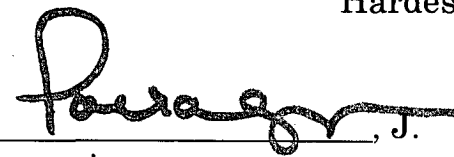
“A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion.” *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (footnote 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.

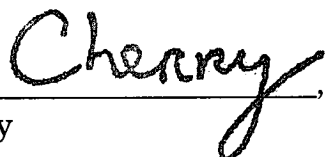
*Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. This court has consistently held that an appeal is typically an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

We have considered the petition and appendix filed in this matter and conclude that our intervention by way of extraordinary relief is not warranted. First, petitioner has failed to provide this court with any of the parties' pleadings or the parties' motions for summary judgment and the oppositions thereto that are essential for this court's consideration of the writ petition. NRAP 21(a)(4); *Pan*, 120 Nev. at 228-29, 88 P.3d at 844 (requiring petitioner to submit with his petition copies of any parts of the record before the respondent district court that are essential for this court to understand the issues presented). Second, petitioner has an adequate legal remedy in the form of an appeal from any adverse final judgment. NRAP 21(b)(1); *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.<sup>1</sup>

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

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

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

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<sup>1</sup>In light of this order, we deny petitioner's emergency stay motion.

cc: Hon. Allan R. Earl, District Judge  
Bremer Whyte Brown & O'Meara, LLP  
Sklar Williams LLP  
Peel Brimley LLP/Henderson  
Eighth District Court Clerk