

IN THE SUPREME COURT OF THE STATE OF NEVADA

FARMERS INSURANCE EXCHANGE,
Petitioner,

vs.

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

Respondents,

and

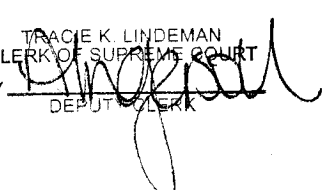
PETER CARAVELLA, INDIVIDUALLY
AND AS ADMINISTRATOR OF THE
ESTATE OF HONEY CARAVELLA;
AND SUMMAR SLATER AND SIENNA
SLATER, MINORS BY AND THROUGH
MATTHEW SLATER THEIR NATURAL
PARENT AND GUARDIAN

Real Parties in Interest.

No. 64234

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION*

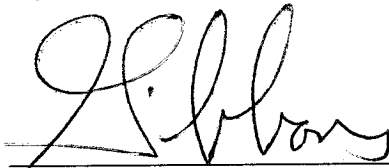
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion for summary judgment in a contract and tort action.

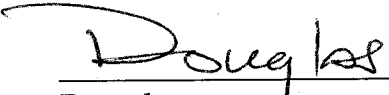
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. *See* NRS 34.320; *Smith v. Eighth Judicial Dist. Court*,


107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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*, 107 Nev. at 677, 818 P.2d at 851. 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). Generally, an appeal is an adequate legal remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841.

Having reviewed the petition and appendix, we deny the petition because petitioner has an adequate legal remedy in the form of an appeal from any adverse judgment. See NRAP 21(b)(1); see also NRS 34.170; NRS 34.330; *Pan*, 120 Nev. at 228, 88 P.3d at 844.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: The Honorable Stefany Miley, District Judge
Feldman Graf
Bowen Law Offices
Eighth District Court Clerk