

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER BERNEY,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,  
Respondent.

No. 65008

**FILED**

**MAR 26 2014**

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

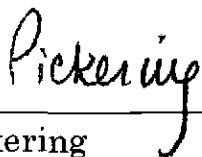
*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

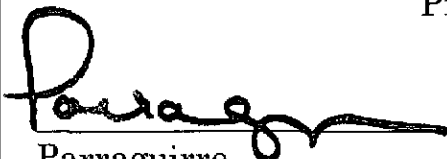
This is a proper person original petition for a writ of mandamus challenging district court rulings in a divorce proceeding.


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 typically not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Whether to consider a writ petition is within this court's discretion. *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).

Having considered the petition and supporting documents,<sup>1</sup> we conclude that petitioner has an adequate legal remedy in the form of an appeal from any adverse judgment. See NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *Pan*, 120 Nev. at 224, 88 P.3d at 841 (explaining that an appeal is generally an adequate legal remedy precluding writ relief). In particular, petitioner may appeal from the final judgment in the divorce proceeding and may challenge on appeal interlocutory orders entered by the district court. See NRAP 3A(a), (b)(1) (allowing an aggrieved party to appeal from a final judgment); *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (recognizing that interlocutory orders may be reviewed on appeal from the final judgment); see also NRAP 4(a)(4) (noting that once a timely post-judgment motion is filed, the time for filing a notice of appeal runs from the entry of the order resolving the post-judgment motion). Accordingly, as petitioner has a speedy and adequate remedy available in the form of an appeal, we deny the petition. See NRAP 21(b)(1); *Pan*, 120 Nev. at 224, 88 P.3d at 841; *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

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<sup>1</sup>We direct the clerk of this court to file the supplements to the petition, provisionally received in this court on February 27 and March 18, 2014.

cc: Hon. Bill Henderson, District Judge, Family Court Division  
Peter Berney  
Attorney General/Carson City  
Eighth District Court Clerk