

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, EX REL.  
NEVADA DEPARTMENT OF  
CORRECTIONS; AND JAMES "GREG"  
COX, DIRECTOR,

Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CARSON CITY; AND THE  
HONORABLE JAMES E. WILSON,  
DISTRICT JUDGE,

Respondents,

and

LITTLEJOHN K. VANHORN; AND  
VERONICA J. VANHORN,  
Real Parties in Interest.

No. 65799

**FILED**

JUL 24 2014

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

*ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION OR MANDAMUS*

This is an original petition for a writ of prohibition or mandamus seeking to vacate a district court order denying a motion for judgment on the pleadings in an employment matter.

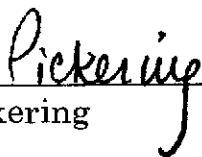
This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. *See* NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A 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.*




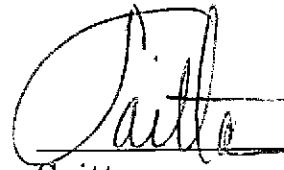
*Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Writ relief is typically not available, however, when petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; *Int'l Game Tec.*, 124 Nev. at 197, 179 P.3d at 558. Whether to consider a writ petition is within this court's discretion. *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).

Having considered the petition, we conclude that petitioner has an adequate legal remedy in the form of an appeal from any adverse judgment, and it may challenge the district court's interlocutory order denying its motion for judgment on the pleadings in the context of that appeal. See NRS 34.170; NRS 34.330; *Pan*, 120 Nev. at 224, 88 P.3d at 841 (explaining that an appeal is generally an adequate legal remedy precluding writ relief); *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that interlocutory orders may be challenged in the context of an appeal from the final judgment). Accordingly, we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

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

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

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

cc: Hon. James E. Wilson, District Judge  
Attorney General/Reno  
Maupin, Cox & LeGoy  
Carson City Clerk