

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY GARMONG,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
BRENT T. ADAMS, DISTRICT JUDGE,
Respondents,
and
WESPAC; AND GREG CHRISTIAN,
Real Parties in Interest.

No. 65899

FILED

DEC 12 2014

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

**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION**

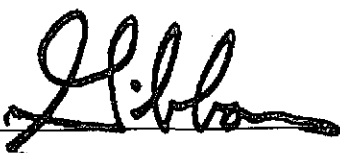
This is an original petition for a writ of mandamus or prohibition challenging a district court order granting a motion to compel arbitration.

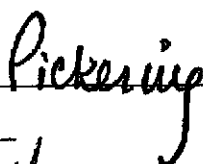
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 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). 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

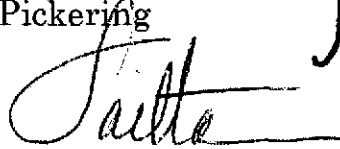
relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the parties' arguments and the documents before us, we conclude that petitioner has not met his burden of demonstrating that the district court either had a legal duty to deny the motion to compel arbitration or arbitrarily or capriciously abused its discretion or exceeded its jurisdiction by granting the motion. *See id.* We therefore deny the petition. *See Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Saitta

cc: Hon. Brent T. Adams, District Judge
Carl M. Hebert
Sinai Schroeder Mooney Boetsch Bradley & Pace
Washoe District Court Clerk