

IN THE SUPREME COURT OF THE STATE OF NEVADA

A. CARL MUDD; AND SHELDON B.
SAIDMAN,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,

and

OAKTREE CAPITAL MANAGEMENT,
L.P., ON BEHALF OF CERTAIN OF ITS
MANAGED ACCOUNTS; OAKTREE
(LUX.) FUNDS-OAKTREE
CONVERTIBLE BOND FUND;
OAKTREE HIGH INCOME
CONVERTIBLE FUND, L.P.; OAKTREE
HIGH INCOME CONVERTIBLE FUND
II, L.P.; OAKTREE NON-U.S.
CONVERTIBLE FUND, L.P.; OAKTREE
TT MULTI-STRATEGY FUND, L.P.;
OCM GLOBAL CONVERTIBLE
SECURITIES FUND; OCM
INTERNATIONAL CONVERTIBLE
TRUST; OCM NON-U.S.
CONVERTIBLE SECURITIES FUND;
LAZARD ASSET MANAGEMENT LLC,
ON BEHALF OF CERTAIN OF ITS
MANAGED ACCOUNTS; HFR CA
LAZARD RATHMORE MASTER
TRUST; AG OFCON LTD.; ZAZOVE
ASSOCIATES LLC, ON BEHALF OF
CERTAIN OF ITS MANAGED FUNDS
AND ACCOUNTS; CNH CA MASTER
ACCOUNT, L.P.; CNH DIVERSIFIED
OPPORTUNITIES MASTER ACCOUNT,
L.P.; ADVENT CLAYMORE

No. 66348

FILED

AUG 28 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

CONVERTIBLE SECURITIES AND
INCOME FUND II; AQR CAPITAL
MANAGEMENT, LLC; AQR
CONVERTIBLE OPPORTUNITIES
BOND UCITS FUND; AQR DELTA
MASTER ACCOUNT, L.P.; AQR
OPPORTUNISTIC PREMIUM
OFFSHORE FUND L.P.; AND
DELAWARE PUBLIC EMPLOYEES'
RETIREMENT SYSTEM,
Real Parties in Interest.

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

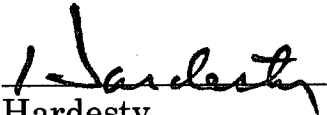
This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order granting a motion to amend a complaint in a tort action.

A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Either writ is an extraordinary remedy, and whether such a writ will be considered is within this court's sole discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Moreover, it is petitioners' burden to demonstrate that our 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 only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Moreover, this court has held

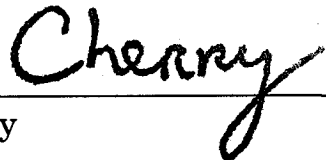
that the right to appeal is typically an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our intervention by way of extraordinary relief is warranted. NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Mark R. Denton, District Judge
Pisanelli Bice, PLLC
Fulbright & Jaworski, LLP/Dallas
Fulbright & Jaworski, LLP/Austin
Grant & Eisenhofer, P.A.
Fennemore Craig Jones Vargas/Las Vegas
Ann Marie Johnson
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioners' emergency motion for a stay and petitioners' motion to file portions of their appendix under seal. We direct the clerk of the court to return, unfiled, the documents sought to be sealed when they are received in this court.