

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRAVIS HASTY,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GLORIA STURMAN, DISTRICT  
JUDGE,  
Respondents,  
and  
STEVE LEIBOWITZ; AND SANDRA  
HUNT,  
Real Parties in Interest.

No. 66387

**FILED**

**AUG 29 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 partial summary judgment in a contract 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 typically 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. 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). Generally, an appeal is an adequate legal remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841.

Having considered the writ petition and appendix, we conclude that our intervention by way of extraordinary writ relief is not warranted, as petitioner has an adequate legal remedy in the form of an appeal from any final judgment entered in the district court action. *Id.* 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. Hardesty*, J.  
Hardesty

*Douglas*, J.  
Douglas

*Cherry*, J.  
Cherry

cc: Hon. Gloria Sturman, District Judge  
Law Offices of Douglas R. Johnson  
Naomi R. Arin  
Marquis Aurbach Coffing  
Law Office of S. Don Bennion  
Eighth District Court Clerk