

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARIA RESORT & CASINO, LLC,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOANNA KISHNER, DISTRICT
JUDGE,

Respondents,

and

SAVANNA ANDERSON; MARK BARRY;
EVALYN BELL; EUGENE BROWN;
VALREE BROWN; MARILYN
CARNAHAN; TERRY CARNAHAN;
NANCY CHUN; TERRY DAVIS; KARIN
DUGAN; PATRICK DUGAN; STEPHEN
DURLER; JOHN ELIAS; DONOVAN
GARCIA; JENNIFER GROSSMAN;
TERRY HAILE; WILLIAM HART;
PAMELA JACKSON; CATHRIN
JOSEPH; AUBREY KAUFMAN; DORIS
KEMPA; ALI MAFI; VALERIE
MORTENSEN; EDWARD PRADO;
KATHLEEN REDLE; DAVID
SCHROEDER; LINDA SCHROEDER; I.
LANA SOTO; TINA WILCOX; DEAN
URIBE; MARY URIBE; AND NYIKA
WILLIAMS,

Real Parties in Interest.

No. 66442

FILED

NOV 14 2014

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion for partial summary judgment in a tort action.

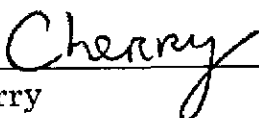
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether 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), and it is petitioner's 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). Moreover, writ relief is typically available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is 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 is warranted at this time. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Specifically, petitioner has an adequate legal remedy in the form of an appeal. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Joanna Kishner, District Judge
Wood, Smith, Henning & Berman, LLP/Riverside, CA
Kravitz, Schnitzer & Johnson, Chtd.
Wood, Smith, Henning & Berman, LLP/Las Vegas
Nettles Law Firm
Jules Zacher, P.C.
Behnke, Martin & Schulte, LLC
Campbell & Williams
Eighth District Court Clerk