

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVEREST INDEMNITY INSURANCE  
COMPANY, A DELAWARE  
CORPORATION,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE; AND THE HONORABLE  
JANET J. BERRY, DISTRICT JUDGE,

Respondents,

and

ELIZABETH REIMERS; ALICIA  
UHOUSE; DARRELL MEDLOCK; AND  
WALTER KARATYZ, INDIVIDUALLY  
AND AS APPOINTED CLASS  
REPRESENTATIVES,

Real Parties in Interest.

No. 67074

FILED

JAN 15 2015

TRAMIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
CHIEF DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*


This original petition for a writ of mandamus, or alternatively, prohibition, challenges district court orders granting and denying motions for partial summary judgment in an insurance contract action.

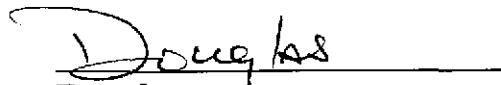
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether a petition for writ relief will be considered is within this court's sole discretion, *Smith*,

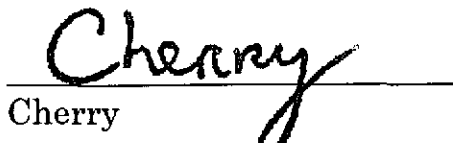
107 Nev. at 677, 818 P.2d at 851, and it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Moreover, writ relief is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558.

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. Accordingly, we

ORDER the petition DENIED.

 , J.  
Parraguirre

 , J.  
Douglas

 , J.  
Cherry

cc: Hon. Janet J. Berry, District Judge  
Thompson, Coe, Cousins & Irons, L.L.P.  
Georgeson Angaran, Chtd.  
Lemons, Grundy & Eisenberg  
Maddox, Segerblom & Canepa, LLP  
Gordon & Rees, LLP  
Leverty & Associates Law, Chtd.  
Washoe District Court Clerk