

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN C. PALACIOS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,
Respondents,
and
THOMAS M. MCDONALD, AN
INDIVIDUAL; BARBARA N.
MCDONALD, AN INDIVIDUAL; AND
THE MCDONALD FAMILY TRUST, A
TRUST,
Real Parties in Interest.

No. 67113

FILED

JAN 15 2015

SHARIE K. LINDEMAN
CLERK OF THE SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


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

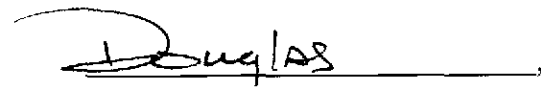
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether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

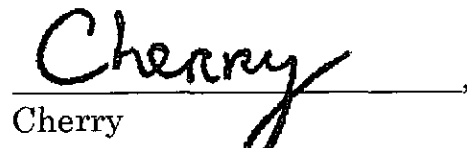
NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

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. Accordingly, we

ORDER the petition DENIED.

 _____, J.
Parraguirre

 _____, J.
Douglas

 _____, J.
Cherry

cc: Hon. Rob Bare, District Judge
Beasley Law Group, PC
Holley, Driggs, Walch, Puzey & Thompson/Las Vegas
Eighth District Court Clerk