

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BELLAGIO, LLC,
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,

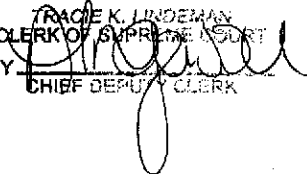
and

JOYCE RHONE,
Real Party in Interest.

No. 70751

FILED

JUL 12 2016


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging a district court order denying a motion in limine. 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). Writ relief is typically not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. *See 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 v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Whether to consider a writ petition is within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. *Pan*, 120 Nev. at 228, 88 P.3d at 844.

Having reviewed the documents on file herein, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. *Id.* In particular, petitioner will have a plain, speedy, and adequate remedy in the form of an appeal from any adverse final judgment. *Id.* at 224, 88 P.3d at 841; *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see* NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Rob Bare, District Judge
Kravitz, Schnitzer & Johnson, Chtd.
Gewerter & Dowling
Pitaro & Fumo, Chtd.
Eighth District Court Clerk

¹Petitioner's motion to stay the proceedings below is denied as moot.