

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROMMIE OVERTON; AND SOUTHERN  
NEVADA TRANSIT COALITION,  
Petitioners,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
NANCY L. ALLE, DISTRICT JUDGE,  
Respondents,  
and  
WILLIAM CRAWFORD,  
Real Party in Interest.

No. 71795

FILED

DEC 16 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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 summary judgment in a tort action.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). The district court did not arbitrarily or capriciously exercise its discretion or violate clearly established law when it determined that *Nurenberger Hercules-Werke GMBH v. Virostek*, 107 Nev. 873, 822 P.2d 1100 (1991), was applicable and when it determined that *Nurenberger's* three elements had been satisfied.<sup>1</sup> *Int'l Game Tech.*,

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<sup>1</sup>To the extent that petitioners seek to emphasize that they were not *additionally* named defendants, we note that *Nurenberger* disavowed the  
*continued on next page...*

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*Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (observing that a writ of mandamus is available to control clear error or an arbitrary or capricious exercise of discretion). Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

cc: Hon. Nancy L. Allf, District Judge  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas  
Bernstein & Poisson  
Eighth District Court Clerk

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*...continued*

utility of the “substitution–addition’ distinction.” 107 Nev. at 877, 822 P.2d at 1103.