

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARY ELIZABETH LAFRANCE,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MATHEW HARTER, DISTRICT JUDGE,  
Respondents,  
and  
GAIL H. CLINE,  
Real Party in Interest.

No. 72670

FILED

APR 28 2017

ELIZABETH A. BROWN  
CLERK OF DISTRICT COURT  
BY *Amilca*  
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court order adopting the date of the parties' Vermont civil union as the start date of their marriage.<sup>1</sup>

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). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*,


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<sup>1</sup>Although Judge Mathew Harter signed the order at issue in this case, the decision on which that order was based was rendered by Senior Judge Jack Ames.

107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether to consider a writ petition is within this court's discretion. See *Smith*, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Writ relief is typically not available when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. And "the right to appeal is generally an adequate legal remedy that precludes writ relief." *Pan*, 120 Nev. at 224, 88 P.3d at 841. Having reviewed the petition and supporting documents, we conclude that petitioner has a speedy and adequate remedy available in the form of an appeal following the entry of the final judgment in the underlying action. See *id.* Accordingly, our extraordinary intervention is not warranted and we therefore deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Mathew Harter, District Judge  
Pecos Law Group  
Kainen Law Group  
James M. Davis Law Office  
Black & LoBello  
Eighth District Court Clerk