

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

A NLV CAB LLC; AND MARCO  
ANTONIO ORDUNO,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DAVID M. JONES, DISTRICT JUDGE,  
Respondents,

and  
FLORENCE M. MILLER,  
Real Party in Interest.

No. 72841

**FILED**

MAY 31 2017

FRANCESCA TOWN  
CLERK OF DISTRICT COURT  
BY *A. Milca*  
DEPUTY CLERK

*ORDER DENYING PETITION*


This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss for failure to hold a timely early case conference.

Having considered the petition and appendix, we conclude that petitioners have failed to demonstrate that our intervention by way of extraordinary writ relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 849, 841 (2004) (explaining that petitioners bear the burden of demonstrating that extraordinary writ relief is warranted). In particular, whether to dismiss the underlying action was a matter within the district court's discretion and petitioners have not established that the district court manifestly abused, or arbitrarily or capriciously exercised, its discretion. *See Dornbach v. Tenth Judicial Dist. Court*, 130 Nev. \_\_\_, \_\_\_ 324 P.3d 369, 373 (2014) (emphasizing that the district court has discretion in deciding whether to dismiss a case for failure to hold a timely early case conference, as well as

inherent authority to manage its cases); *see also Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (“Mandamus will not lie to control discretionary action, unless discretion is manifestly abused or is exercised arbitrarily or capriciously.” (internal citations omitted)). Accordingly, we deny the petition. *See* NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (explaining that whether to consider a writ petition is within this court’s discretion).

It is so ORDERED.

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

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

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

cc: Hon. David M. Jones, District Judge  
Frias Transportation Management  
Bertoldo Baker Carter & Smith  
Eighth District Court Clerk