

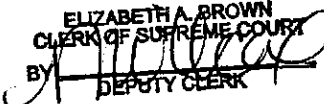
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KRISTEN BICE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,
Respondents,
and
JON IRVING,
Real Party in Interest.

No. 72968

FILED

JUL 13 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order dismissing petitioner's third-party complaint and the district court's decision to allow petitioner's deposition to be taken.

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). A writ of mandamus will not issue, however, if 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. Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary

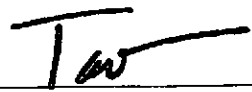
17-90462

relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted as petitioner has a plain, speedy and adequate remedy available in that she can challenge the rulings at issue here in the context of an appeal from the ultimate final judgment entered in the underlying case. *See NRS 34.170; Pan*, 120 Nev. at 224, 88 P.3d at 841 (providing that an appeal is generally a speedy and adequate remedy that precludes writ relief). Accordingly, we deny the petition. *See NRAP 21(b)(1)*.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Ronald J. Israel, District Judge
Law Offices of P. Sterling Kerr
Wolfe & Wyman LLP
Eighth District Court Clerk