

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALJ REGIONAL HOLDINGS, INC., A
FOREIGN CORP.; FLOORS N MORE,
LLC, A NEVADA LIMITED LIABILITY
COMPANY, D/B/A CARPETS N MORE;
STEVE CHESIN, INDIVIDUALLY;
CHRISTOPHER FORRESTER,
INDIVIDUALLY; JESS RAVICH,
INDIVIDUALLY; AND T. ROBERT
CHRIST, INDIVIDUALLY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
Respondents,

and

SOL SAYEGH, D/B/A SOL SAYEGH
GROUP,
Real Party in Interest.

No. 75071

FILED

APR 09 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to dismiss a torts action.


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 when the petitioners have 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. And this

court generally declines to consider writ petitions challenging orders denying motions to dismiss. *Beazer Homes Nev., Inc. v. Eighth Judicial Dist. Court*, 120 Nev. 575, 578–79, 97 P.3d 1132, 1134 (2004). Writ petitions challenging the district court’s denial of a motion to dismiss are only considered when there are no disputed factual issues and the dismissal was required pursuant to clear statutory authority, or when an important issue of law needs clarification. *Id.* 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, 679, 818 P.2d 849, 851, 853 (1991). Petitioners bear 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).

Having considered the petition and supporting documents, we conclude that petitioners failed to demonstrate that this court’s extraordinary intervention is warranted. *See id.* Accordingly, we 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. Elizabeth Goff Gonzalez, Chief Judge
McDonald Carano LLP/Las Vegas
Shearman & Sterling, LLP
The Law Office of Dan M. Winder, P.C.
Eighth District Court Clerk