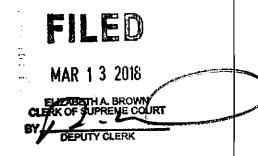
## IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARIA C. PEREZ,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
STEFANY MILEY, DISTRICT JUDGE,
Respondents,
and
RALPHS GROCERY COMPANY, A
FOREIGN CORPORATION,
Real Party in Interest.

No. 73574



## ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or, alternatively, prohibition, challenges a district court order denying petitioner's motion to amend her complaint in 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). 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, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). This court has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. See

NRS 34.170; NRS 34.330; D.R. Horton, Inc. v. Eighth Judicial Dist. Court, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). 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).

Having considered the petition, we conclude that petitioner has failed to demonstrate that extraordinary writ relief is warranted. *See id.* Accordingly, we deny the petition. *See D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.<sup>1</sup>

Silver, C.J

Tao , J.

Gibbons J.

cc: Hon. Stefany Miley, District Judge Vannah & Vannah Cooper Levenson, P.A. Eighth District Court Clerk

(O) 1947B

Given our disposition of this petition, we vacate the stay of the underlying proceeding that this court entered on August 17, 2017.