

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAX ROCK STETLER,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE

JOANNA KISHNER, DISTRICT
JUDGE,

Respondents,

and

CHRISTINA RIVARD,

Real Party in Interest.

No. 75397

FILED

MAY 15 2018

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This petition for a writ of mandamus challenges a district court oral ruling granting a motion in limine to exclude certain evidence and expert testimony in a tort action.¹ We are not persuaded that our extraordinary and discretionary intervention is warranted for two reasons. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). First, petitioner has not provided a written, file-stamped district court order, which in itself precludes our review.² *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (providing that an oral pronouncement from the bench is not valid for any purpose).

¹Petitioner requested relief before April 17, 2018, but he did not identify the significance of that date or any basis for emergency relief. *See* NRAP 21(a)(6); NRAP 27(e).

²It also appears that evidentiary issues related to those raised in the petition may be refined during further pretrial proceedings or at trial.

Second, petitioner has not met his burden of demonstrating that the decision here fits within the narrow exception under which writ relief may be warranted despite the availability of an adequate legal remedy. NRS 34.170; *Okada v. Eighth Judicial Dist. Court*, 131 Nev., Adv. Op. 83, 359 P.3d 1106, 1110 (2015) (recognizing that discovery matters are within the district court's discretion); *Williams v. Eighth Judicial Dist. Court*, 127 Nev. 518, 524, 262 P.3d 360, 364 (2011) (noting that "the decision to admit or exclude expert opinion testimony is discretionary and is not typically subject to review on a petition for a writ of mandamus"); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 843-844 (2004) (providing that petitioner bears the burden of demonstrating that writ relief is warranted and observing that an appeal from a final judgment is generally an adequate remedy precluding writ relief). We therefore

ORDER the petition DENIED.

Cherry J.
Cherry

Parraguirre J.
Parraguirre

Stiglich J.
Stiglich

cc: Hon. Joanna Kishner, District Judge
Alverson Taylor Mortensen & Sanders
Paternoster Law Group
Eighth District Court Clerk