

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FALCON CREST ALLIANCE, INC.,  
D/B/A O&R PROTECTIVE SERVICES,  
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

CHRISTOPHER DEL GUERCIO, AN  
INDIVIDUAL; AND TOWN SQUARE  
LAS VEGAS, LLC, D/B/A MCFADDEN'S  
TOWN SQUARE, A NEVADA  
CORPORATION,

Real Parties in Interest.

No. 76060-COA

FILED

NOV 07 2018

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 the district court's denial of summary judgment.


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 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. NRS 34.170; *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 and appendix filed in this matter, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. *Id.* Accordingly, we deny the petition. *See* NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.

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

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

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

cc: Hon. Ronald J. Israel, District Judge  
Hall Jaffe & Clayton, LLP  
Cohen Johnson Parker Edwards  
Brock K. Ohlson PLLC  
Eighth District Court Clerk