

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY L. BARNEY, LTD.,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; THE HONORABLE  
ELIZABETH GOFF GONZALEZ; THE  
HONORABLE VINCENT OCHOA,  
DISTRICT JUDGE; AND THE  
HONORABLE WILLIAM S. POTTER,  
DISTRICT JUDGE,  
Respondents,  
and  
GARRETT DOSCH, PROTECTED  
PERSON; AND MARY MCGUIRE,  
TRUSTEE OF THE MCGUIRE FAMILY  
TRUST DATED OCTOBER 18, 1991,  
Real Parties in Interest.

No. 76090

**FILED**

SEP 14 2018

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*


This is an original petition for a writ of mandamus challenging statements contained in a district court's recusal order and the subsequent denial of a request to strike those statements.

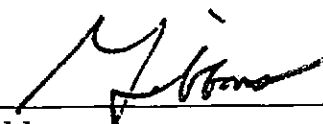
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 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). And because it falls upon petitioner to demonstrate writ relief is warranted, petitioner must provide this court with an appendix containing any and all materials that are "essential to understand the matters set forth in the petition." NRAP 21(a)(4). Here, petitioner has failed to provide this court with a copy of the recusal order at issue in this matter. And while petitioner indicated it would provide this document upon the court's request, petitioner also has not provided copies of any of the motion practice pertaining to its motion to strike portions of the recusal order or a copy of any transcript of the proceedings on this motion before Judge Elizabeth Gonzalez. Under these circumstances, petitioner has failed to meet its burden of demonstrating that this court's intervention by way of extraordinary relief is warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we deny the petition.<sup>1</sup> *See NRAP 21 (b)(1); Pan*, 120 Nev. at 228, 88 P.3d at 844.

It is so ORDERED.

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

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

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

---

<sup>1</sup>Our denial of this petition is without prejudice to petitioner's right to file a new petition that is properly supported by an appendix containing all materials that are "essential to understand the matters set forth in the petition." NRAP 21(a)(4).

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Hon. Vincent Ochoa, District Judge  
Hon. William S. Potter, District Judge, Family Court Division  
Anthony L. Barney, Ltd.  
Cary Colt Payne  
Legal Aid Center of Southern Nevada, Inc.  
Eighth District Court Clerk