

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRE BUILDERS, LLC; AND ROBERT
BAKER,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,
Respondents,
and
SHAUN PHILLIPS; LINDA ERICA
PHILLIPS; GREAT SALT LAKE
ELECTRIC, INC., D/B/A GSL
ELECTRIC; ROSS CO.
CONSTRUCTION, INC.; AND QUINCY
IRONS,
Real Parties in Interest.

No. 76065-COA

FILED

DEC 07 2018

ELIZABETH A. CROWN
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 the denial of a motion for partial summary judgment in a personal injury 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 has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioners have 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). 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 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.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Richard Scotti, District Judge
Bremer Whyte Brown & O'Meara, LLP/Las Vegas
Eglet Prince
Resnick & Louis, P.C.
Cisneros & Marias
Eighth District Court Clerk

¹The clerk of the court shall file the response to petitioners' motion for stay and the reply thereto, which have been provisionally received in this court. And in light of this order, we deny the stay motion and all other requested relief as moot.