

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THYSSENKRUPP ELEVATOR
CORPORATION,

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

JOE N. BROWN, AN INDIVIDUAL;
AND NETTIE J. BROWN, AN
INDIVIDUAL,
Real Parties in Interest.

No. 77211-COA

FILED

JAN 16 2019

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 a district court order granting leave to amend the underlying complaint 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 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.¹



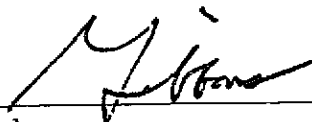
Douglas

A.C.J.



Tao

J.



Gibbons

J.

cc: Hon. Joanna Kishner, District Judge
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Grant & Associates
Eighth District Court Clerk

¹Because we conclude that our extraordinary intervention is not warranted in this matter, we deny as moot petitioner's January 15, 2019, request for relief.