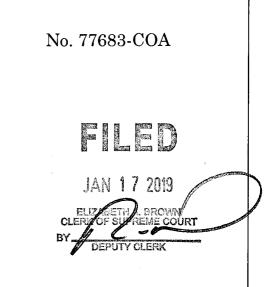
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

UNITED SERVICES AUTOMOBILE ASSOCIATION, Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE LINDA MARIE BELL, Respondents, and THOMAS BASS, Real Party in Interest.



19.02820

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court decisions resolving motions in limine in an insurance matter.

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, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. *Id.*

COURT OF APPEALS OF NEVADA 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

A.C.J. Douglas J. Tao J. Gibbons

cc: Hon. Linda Marie Bell, Chief Judge Lauria Tokunaga Gates & Linn, LLP/Sacramento Ganz & Hauf/Las Vegas Eighth District Court Clerk

¹We grant real party in interest's motion to extend the time to file an opposition to petitioner's motion to stay the underlying proceedings. The clerk of the court shall file the proposed opposition, which was provisionally received in this court on January 16, 2019. In light of our resolution of this matter, we deny as most petitioner's motion for a stay.

COURT OF APPEALS OF NEVADA