

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.

No. 77683-COA

FILED

JAN 17 2019

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 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.*

19-02820

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 moot petitioner's motion for a stay.