

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALVARO CARRILLO-AGUILAR; CELSA GARCIA-BELTRAN; LUCIA CARRILLO, BY AND THROUGH HER GUARDIAN AD LITEM CELSA GARCIA-BELTRAN; JOEL CARRILLO, BY AND THROUGH HIS GUARDIAN AD LITEM CELSA GARCIA-BELTRAN; AND ALVARO CARRILLO, JR., BY AND THROUGH HIS GUARDIAN AD LITEM CELSA GARCIA-BELTRAN,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE DOUGLAS SMITH, DISTRICT JUDGE, Respondents,

and

JORGE RODRIGUEZ-RODRIGUEZ; LAS VEGAS METROPOLITAN POLICE DEPARTMENT; COUNTY OF CLARK; AND ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY AS SUBROGEE OF NORMA O'NEAL, Real Parties in Interest.

No. 77399-COA

FILED

MAY 30 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for mandamus relief challenges the district court's dismissal of real party in interest Clark County and the district court's refusal to reconsider its decision.


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; NRS 34.330; *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 parties' filings and the supporting documents filed in this matter, we are not persuaded that this court's intervention by way of extraordinary relief is warranted as petitioners have an adequate remedy through appeal. *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.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge, Eighth Judicial District Court
Department 8, Eighth Judicial District Court
Simon Law
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Marquis Aurbach Coffing
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Clark County District Attorney/Civil Division
Kirst & Associates
Eighth District Court Clerk