IN THE SUPREME COURT OF THE STATE OF NEVADA

VENETIAN CASINO RESORT, LLC, D/B/A PALAZZO CASINO RESORT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE ELISSA F. CADISH, DISTRICT JUDGE,
Respondents,
and
JOHN ANDERSON, AN INDIVIDUAL,
Real Party in Interest.

No. 77087

FILED

JUL 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to dismiss or for partial summary judgment in a tort action.

Having reviewed the petition, answer thereto, reply, and supporting documents, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (stating that an appeal is generally an adequate legal remedy precluding writ relief and recognizing that petitioner bears the burden of demonstrating that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (observing that this court generally will not consider writ petitions challenging orders denying motions to dismiss or for summary judgment); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d. 849, 851 (1991) (observing that

issuance of the writ is subject to this court's discretion). To the extent that petitioner argues that this petition presents an opportunity to clarify whether punitive damages may be awarded for tort claims sounding in negligence, that issue will be better presented for this court's consideration after development of the factual record in the district court. Insofar as petitioner seeks a writ of prohibition, petitioner provides no cogent argument regarding that relief, and we need not consider it. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Accordingly, we

ORDER the petition DENIED.

_____, J.
Hardesty

_____, J.
Stiglich

_____, J.
Silver

cc: Eighth Judicial District Court, Dept. VI
Messner Reeves LLP
Roberts Stoffel Family Law Group
Hofland & Tomsheck
Eighth District Court Clerk