

IN THE SUPREME COURT OF THE STATE OF NEVADA

JMR CABINET CORPORATION; KLEIN  
CABINETS LLC; RANDOLPH DAVID  
KLEIN; JACQUELYN PAGE KLEIN;  
DAVID MELVIN KLEIN; AND  
RANDOLPH JOSEPH KLEIN,  
Petitioners,

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  
DAVID HAMMER; AND TAMARA  
HAMMER, HUSBAND AND WIFE,  
Real Parties in Interest.

No. 70681

**FILED**

DEC 02 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

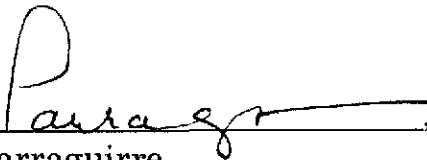
*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION*


This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to dismiss in a tort and contract action. Based on the petition, answer, reply, and current record, we are not persuaded that the district court's determination was arbitrary and capricious or in contravention of clearly established law such that our extraordinary and discretionary intervention is warranted at this time. NRS 34.160; NRS 34.320; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *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 petitioners bear the burden of demonstrating that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 113

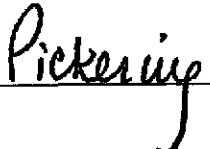
116-37420

Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (noting that this court generally will not consider writ petitions challenging orders denying motions to dismiss or for summary judgment). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Joanna Kishner, District Judge  
Harris Law Office  
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.  
Eighth District Court Clerk