

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMERICAN MEDFLIGHT, INC., A  
NEVADA CORPORATION,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE; AND THE HONORABLE  
DAVID A. HARDY, DISTRICT JUDGE,  
Respondents,

and

SADIE BROOK SLADE SHEPHERD,  
INDIVIDUALLY, AND AS PARENT  
AND NATURAL GUARDIAN OF JACK  
JAY SHEPHERD; RUBY MAE  
SHEPHERD; DEAN CALVIN  
SHEPHERD; DENNIS SHEPHERD;  
AND LINDA SHEPHERD,  
Real Parties in Interest.

No. 79004-COA

**FILED**

**AUG 14 2019**

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS,  
PROHIBITION, OR CERTIORARI*

This original petition for writ relief challenges the district court's order denying a motion to dismiss in a civil tort action.

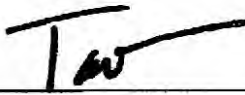
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when a district court acts without or in excess of its jurisdiction. NRS 34.320; *Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012). A writ of certiorari may be granted when

a lower court has exceeded its jurisdiction. NRS 34.020(2). Writ relief is typically not available when the petitioners have a plain, speedy, and adequate remedy at law. NRS 34.020(2); NRS 34.170; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474, 168 P.3d 731, 736 (2007); *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). Further, petitions for writ relief constitute extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered. *See D.R. Horton*, 123 Nev. at 474–75, 168 P.3d at 736–37; *Zamarripa*, 103 Nev. at 640, 747 P.2d at 1387. 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 and supporting documents filed in this matter, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. *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. David A. Hardy, District Judge  
Kent Law, PLLC  
Law Office of Bobby Udall PLLC  
Law Office of Bradley L. Boone  
Kreindler & Kreindler, LLP  
Nevada Walker, PLLC  
Washoe District Court Clerk