

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAS VEGAS PAVING CORPORATION,
A NEVADA CORPORATION; AND
BRADLEY SCHNEIDER,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE; AND THE
HONORABLE NANCY L. ALLF,
DISTRICT JUDGE,

Respondents,

and

JAMAR COLEMAN,
Real Party in Interest.

No. 72720

FILED

APR 05 2017

ELIZABETH F. BROWN
CLERK OF DISTRICT COURT
BY: *[Signature]*
DEPUTY CLERK

*ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to disqualify District Court Judge Nancy L. Allf from presiding over the underlying case.

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 may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district


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court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether to consider a writ petition is within this court's discretion. *Smith*, 107 Nev. at 677, 818 P.2d at 851. And petitioners bear the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and appendix, we conclude that petitioners have not met their burden of demonstrating that extraordinary writ relief is warranted. See *id.* Accordingly, we deny the petition.¹ See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hon. Nancy L. Alf, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Emerson Law Group
Marshall Law Office
Eglet Prince
Eighth District Court Clerk

¹In light of our denial of this petition, we deny as moot petitioners' April 3, 2017, emergency motion for a stay of the underlying proceedings.