

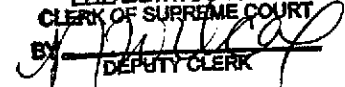
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAS VEGAS PAVING CORPORATION,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY WILLIAMS, DISTRICT
JUDGE,
Respondents,
and
JAMAR COLEMAN,
Real Party in Interest.¹

No. 72960

FILED

JUL 11 2017

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 imposing sanctions in a torts 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). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its


¹In the district court, the parties have stipulated to dismiss Bradley Schneider from the underlying action, and thus, he has withdrawn his participation in this writ petition. Additionally, the Honorable Nancy L. Allf voluntarily recused herself from participation in the underlying action, and it has since been reassigned to the Honorable Timothy Williams. Therefore, we direct the clerk of the court to conform the caption on this case to the caption on this order.

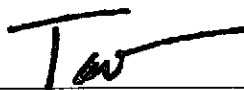
17-901390

judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is typically not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. And an appeal is an adequate legal remedy precluding writ relief. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having considered the petition and appendix in this writ, we conclude that writ relief is not appropriate because petitioner has a speedy and adequate remedy in the form of an appeal. See *id.* Accordingly, we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851 (explaining that whether to consider a writ petition is within this court's discretion).

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Timothy Williams, District Judge
Kolesar & Leatham, Chtd.
Lemons, Grundy & Eisenberg
Marshall Law Office
Eglet Prince
Eighth District Court Clerk