

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH M. ASHER; AND  
BRANDYWINE BOOKMAKING, LLC,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARK R. DENTON, DISTRICT JUDGE,  
Respondents,

and

CANTOR G&W (NEVADA) HOLDINGS,  
L.P.; CANTOR G&W (NEVADA)  
HOLDINGS, L.P.; CF NOTES, LLC;  
AND CANTOR FITZGERALD, L.P.,  
Real Parties in Interest.

No. 73891

**FILED**

OCT 10 2017

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

*ORDER DENYING PETITION AND MOTION FOR STAY*


This is a petition for writ of mandamus challenging a district court order denying a motion for partial summary judgment.

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. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). But whether to consider a writ petition is within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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). Writ relief is typically not available when petitioners have a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at

197, 179 P.3d at 558. And generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841. In this case, we conclude that petitioners have an adequate legal remedy in the form of an appeal. *See id.* Accordingly, we deny the petition and the motion for stay. *See* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* NRAP 8(c); *Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 6 P.3d 982 (2000).

It is so ORDERED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

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

cc: Hon. Mark R. Denton, District Judge  
Kemp, Jones & Coulthard, LLP  
Pisanelli Bice, PLLC  
Eighth District Court Clerk