

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICK MARTZ, AN INDIVIDUAL;
HERBERT SILVERBERG, AN
INDIVIDUAL; YOUNGHO CHUN, AN
INDIVIDUAL; AND DENNIS PALKON,
AN INDIVIDUAL,
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

SWITCH, INC.; ROB ROY; GABRIEL
NACHT; ZAREH SARRAFIAN;
DONALD SNYDER; TOM THOMAS;
BRYAN WOLF; GOLDMAN SACHS &
CO. LLC; J.P. MORGAN SECURITIES
LLC; BMO CAPITAL MARKETS CORP.;
WELLS FARGO SECURITIES, LLC;
CITIGROUP GLOBAL MARKETS INC.;
CREDIT SUISSE SECURITIES;
JEFFERIES LLC; BTIG, LLC;
RAYMOND JAMES & ASSOCIATES,
INC.; STIFEL, NICOLAUIS &
COMPANY, INC.; AND WILLIAM
BLAIR & COMPANY, L.L.C.,
Real Parties in Interest.

No. 77437

FILED

SEP 16 2019

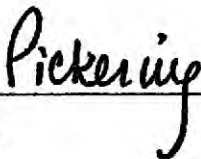
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

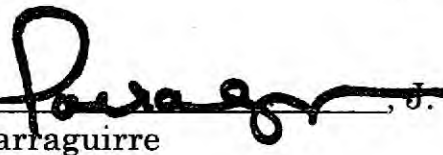
ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges a district court order granting a motion for a stay of the proceedings in a putative class action suit in deference to a putative class action suit filed in federal court asserting the same Securities Act violations against the real parties in interest. Having reviewed the parties' pleadings and heard oral argument in this matter, we conclude that petitioners have

not demonstrated that the district court manifestly abused its discretion such that this court's intervention is warranted. See NRS 34.160; NRS 34.320; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining an arbitrary and capricious exercise of discretion as a decision contrary to the evidence or established rules of law and a manifest abuse of discretion as a clearly erroneous interpretation of law or a clearly erroneous application of a law or rule); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus or prohibition is purely discretionary with this court). Accordingly we

ORDER the petition DENIED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Mark R. Denton, District Judge
Robbins Geller Rudman & Dowd, LLP
Robbins Arroyo LLP
O'Mara Law Firm, P.C.
Johnson Fitsel, LLP
Abraham, Fruchter & Twersky, LLP
RM Law, P.C.
Levi & Korsinsky LLP
Marquis Aurbach Coffing
Latham & Watkins LLP/Orange County
Pisanelli Bice, PLLC
Greenberg Traurig, LLP/Las Vegas
Greenberg Traurig LLP/Los Angeles
Latham & Watkins LLP/Century City
Latham & Watkins LLP/Washington DC
Eighth District Court Clerk