

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GLENN RICHARDSON, AN  
INDIVIDUAL; AND GAYLE  
RICHARDSON, AN INDIVIDUAL,  
Petitioners,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
RICHARD SCOTTI, DISTRICT JUDGE,  
Respondents,  
and  
ADAM J. BREEDEN, ESQ.; AND  
BREEDEN & ASSOCIATES, PLLC,  
Real Parties in Interest.

No. 79418-COA

**FILED**

SEP 26 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This is an original petition for a writ of mandamus challenging a district court order adjudicating an attorney's lien.

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 mandamus will not issue, however, if 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; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004)


(noting that “the right to appeal is generally an adequate legal remedy that precludes writ relief”). Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. See *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. See *Pan*, 120 Nev. at 228, 88 P.3d at 844.

We note that petitioners did not include their opposition to the motion to adjudicate the attorney’s lien in their appendix before this court, and thus they failed to provide an adequate record of the challenged proceedings. See NRAP 21(a)(4) (providing that a petitioner’s appendix “shall include a copy of any order or opinion, parts of the record before the respondent judge, . . . or any other original document that may be essential to understand the matters set forth in the petition”). We further note that petitioners previously filed a timely notice of appeal from the district court’s order but then voluntarily dismissed that appeal in favor of the instant writ. They offer no explanation in their petition as to why they did not move forward with their direct appeal, and although an appeal from the district court’s order at this point would be untimely, “writ relief is not available to correct an untimely notice of appeal.” *Pan*, 120 Nev. at 224-25, 88 P.3d at 841. Accordingly, we conclude that petitioners have failed to demonstrate that extraordinary writ relief is warranted, and we deny the petition. See

*id.* at 228, 88 P.3d at 844; *see also* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Richard Scotti, District Judge  
The Law Offices of Robert D. Martin, P.C.  
Breedon & Associates, PLLC  
Eighth District Court Clerk