

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALI SHAHROKHI,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MATHEW HARTER, DISTRICT JUDGE,
Respondents,
and
KIZZY BURROW,
Real Party in Interest.

No. 80277-COA

FILED

JAN 02 2020

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This emergency petition for a writ of mandamus challenges oral district court rulings arising from a December 12, 2019, hearing.

Having reviewed the petition and supporting documents, we are not convinced that our extraordinary intervention is warranted at this time. At the hearing, the district court made rulings in accordance with our November 6, 2019, mandate and moved the case forward by scheduling an evidentiary hearing on the final custody and relocation decisions for February. Any dispute as to the standard under which the court will make those determinations is premature. Therefore, petitioner has not demonstrated that extraordinary relief is necessary, *see Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (explaining that a writ of mandamus is available to compel the performance of a legally required act or to control an arbitrary or capricious exercise of discretion); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224-25, 228, 88 P.3d 840, 841, 844 (2004) (pointing out that an appeal is an

adequate legal remedy precluding writ relief and observing that the party seeking writ relief bears the burden of showing such relief is warranted), and we decline to exercise our discretion to intervene. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that we have sole discretion in determining whether to entertain a writ petition). Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Mathew Harter, District Judge
Page Law Office
Standish Law
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's motion for transmittal of a report involving the minor child.