

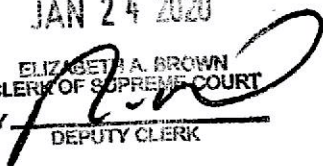
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES E. HAGAN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND CANDACE C. CARLYON,
SHORT-TRIAL JUDGE,
Respondents,
and
TAYLOR GOLCEKER; DANIEL
GOLCEKER; AND DEBORAH
GOLCEKER,
Real Parties in Interest.¹

No. 80108-COA

FILED

JAN 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging a short-trial judge's order granting a motion to compel in a tort 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). A writ of mandamus will not issue, however, if the petitioner has 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,

¹We direct the clerk of the court to amend the caption for this case to conform to the caption on this order.


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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). The petitioner bears the burden of demonstrating that extraordinary relief is warranted. See *Pan*, 120 Nev. at 228, 88 P.3d at 844.

Based on the record of the trial court proceedings that petitioner has provided to this court, it appears that he failed to first raise any of the issues presented in his petition before the short-trial judge. 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"); *Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. 167, 172-73, 252 P.3d 676, 679-80 (2011) (noting that the appellate courts will generally not consider issues raised for the first time in an original writ petition). Accordingly, we decline to reach these issues, and we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

²In light of our resolution of this matter, we deny as moot petitioner's request for a stay.

cc: Hon. Kenneth C. Cory, District Judge
Candace C. Carlyon, Short-Trial Judge
Charles E. Hagan
Gentile Law Group
Eighth District Court Clerk