

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CIRCUS CIRCUS CASINOS, INC., A
DOMESTIC CORPORATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,

Respondents,

and

DARRIN GREEN,
Real Party in Interest.

No. 80282-COA

FILED

APR 13 2020

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging district court orders extending discovery, allowing amendment of the complaint, and denying a motion for 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. *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. And “an appeal from the final judgment typically constitutes an adequate and speedy legal remedy” precluding writ relief. *Int'l Game Tech., Inc.*, 124 Nev. at 197, 179 P.3d at 558. 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). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

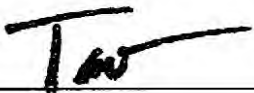
Here, to the extent petitioner challenges the extension of the discovery period and the decision to grant leave to amend, such decisions rest within the sound discretion of the district court. See *Okada v. Eighth Judicial Dist. Court*, 131 Nev. 834, 839, 359 P.3d 1106, 1110 (2015) (discovery decisions); *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825, 828 (2000) (leave to amend). Based on our review of the petition and the documents before us, we conclude petitioner has not met its burden of demonstrating that the district court's exercise of discretion in making these determinations was arbitrary or capricious, and thus our extraordinary intervention is not warranted as to these issues. See *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *Pan*, 120 Nev. at 228, 88 P.3d at 844.

Turning to petitioner's challenge to the denial of its motion for summary judgment, it is well established that the appellate courts will generally not exercise their discretion to consider petitions for extraordinary writ relief that challenge such orders, unless summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification. See *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). Reviewing the petition and supporting documents in light of this requirement, we likewise conclude petitioner has not met its burden of demonstrating that our extraordinary intervention is warranted. See *Pan*, 120 Nev. at 228, 88 P.3d at 844.

Accordingly, for the reasons set forth above, we deny the petition. See 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. Ronald J. Israel, District Judge
The Law Office of Vernon Nelson
Moss Berg Injury Lawyers
Claggett & Sykes Law Firm
Eighth District Court Clerk