

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

WASHOE; AND THE HONORABLE

ELLIOTT A. SATTLER, DISTRICT

JUDGE,

Respondents,

and

DELORIS BIRD,

Real Party in Interest.

No. 81033

FILED

MAY 05 2020

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

*ORDER DENYING PETITION FOR A WRIT OF MANDAMUS OR
PROHIBITION*

This original petition for a writ of mandamus, or writ of prohibition, seeks a writ directing the district court to vacate its January 15, 2020, order confirming the Discovery Commissioner's recommendations and to enter an order granting petitioner's motion to strike and request for a protective order.

A writ of mandamus "is available to compel performance of an act that the law requires as a duty resulting from an 'office, trust or station' or to control a manifest abuse of, or an arbitrary or capricious exercise of, discretion." *See Cheung v. Dist. Court*, 121 Nev. 867, 868-69, 124 P.3d 550, 552 (2005) quoting NRS 34.160. The counterpart to a writ of mandate, a writ of prohibition, is available when a district court acts without or in excess of its jurisdiction. *See State of Nev. v. Dist. Court (Anzalone)*, 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). This court has original

jurisdiction to grant writs of mandamus and prohibition, and the issuance of such extraordinary relief is solely within this court's discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). It is petitioner's burden to demonstrate that extraordinary relief is warranted. *Pan v. Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Here, petitioner has not met that burden.

We therefore conclude that interlocutory review by extraordinary writ is not warranted in this case. Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cadish, J.
Cadish

cc: Hon. Elliott A. Sattler, District Judge
Messner Reeves LLP
Galloway & Jensen
Washoe District Court Clerk