

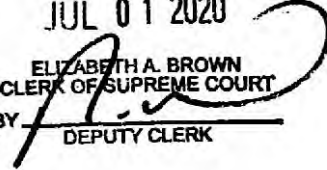
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FLIP N TAG, LLC,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JAMES CROCKETT, DISTRICT
JUDGE,
Respondents,
and
GERARDO RODRIGUEZ,
Real Party in Interest.

No. 79626-COA

FILED

JUL 01 2020

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 requiring petitioner to produce unredacted prior and subsequent incident reports during discovery in a tort action.

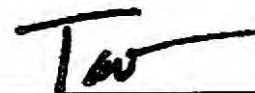
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 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. 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). The 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).

Having reviewed the record of the proceedings below provided to this court by petitioner, as well as the arguments presented in the petition for a writ of mandamus, real party in interest's answer, and petitioner's reply thereto, we conclude that petitioner has failed to demonstrate that extraordinary relief is warranted, and we deny the petition.¹ *See* NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao

¹Although we deny the petition, we note that this court recently set forth a nonexhaustive list of factors concerning whether good cause exists to enter a protective order. *See Venetian Casino Resort, LLC v. Eighth Judicial Dist. Court*, 136 Nev., Adv. Op. 26, ___ P.3d ___, ___ (Ct. App. 2020).

²The Honorable Bonnie A. Bulla, Judge, voluntarily recused herself from participation in the decision of this matter. In her place, the Honorable Michael L. Douglas, Senior Justice, was appointed to participate in the decision of this matter under an order of assignment entered on February 13, 2020. Nev. Const., art. 6, § 19(1)(c); SCR 10. We now withdraw that order, as Senior Justice Douglas did not participate in the decision due to a subsequent unavailability. Finally, in light of our disposition of this matter, we vacate the stay of the August 21, 2019, order at issue here entered by our December 4, 2019, order.

cc: Hon. James Crockett, District Judge
Resnick & Louis, P.C./Las Vegas
Claggett & Sykes Law Firm
De Castroverde Law Group
Eighth District Court Clerk