

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICANA, L.L.C., D/B/A BERKSHIRE  
HATHAWAY HOMESERVICES NEVADA  
PROPERTIES,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE TREVOR L.  
ATKIN, DISTRICT JUDGE,

Respondents,

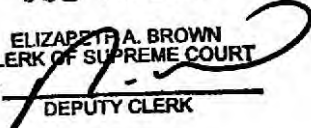
and

TONI BONIFATTO; JOSEPH  
BONIFATTO; AND PETER BONIFATTO,  
Real Parties in Interest.

No. 81125

**FILED**

JUL 16 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

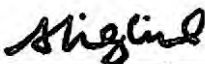
*ORDER DENYING PETITION*

This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss in a tort and breach of contract action.

Having considered the petition and its documentation, we are not persuaded that our extraordinary and discretionary intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted and that the right to appeal is generally an adequate legal remedy precluding writ relief); *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 this court has sole discretion in determining whether to entertain a writ petition). This court generally declines to exercise its discretion to consider writ petitions challenging district court orders denying motions to dismiss and

petitioner fails to demonstrate any exception to this general rule applies here. *Moseley v. Eighth Judicial Dist. Court*, 124 Nev. 654, 658-59, 188 P.3d 1136, 1140 (2008) (outlining exceptions to the general rule). We therefore, ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Trevor L. Atkin, District Judge  
Olson, Cannon, Gormley, & Stoberski  
Kemp, Jones & Coulthard, LLP  
Eighth District Court Clerk