## IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERVA VASQUEZ-MONTANO; AND GIOVANNI JIMENEZ, Petitioners, VS. THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE; AND THE HONORABLE KATHLEEN M. DRAKULICH, DISTRICT JUDGE, Respondents, and CEMEX CONSTRUCTION MATERIALS PACIFIC, LLC; AND ZACHARY KURTIS MYKAL RANSOM. Real Parties in Interest.

No. 81436

FILED

JUL 28 2020

CLERK OF SUPREME COURT
BY S. YOUNG

## ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion to recuse or disqualify a district court judge. We are not satisfied that this court's intervention by way of an extraordinary writ is warranted, because petitioner has not demonstrated that the district court acted arbitrarily or capriciously in denying petitioner's motion to recuse or disqualify. NRS 34.160; State v. Eighth Judicial Dist. Court (Armstrong), 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (recognizing that a writ of mandamus may issue to control an arbitrary or capricious exercise of discretion and defining an arbitrary and capricious exercise of discretion as "one founded on prejudice or preference rather than on reason, or contrary to the evidence or established rules of law") (internal citations and quotations omitted); Pan v. Eighth Judicial

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Dist. Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that a petitioner bears the burden of demonstrating that extraordinary relief is warranted); Smith v. Eighth Judicial Dist. Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus is discretionary). Accordingly, we

ORDER the petition DENIED.

Pickering, C.J. Pickering

cc: Hon. Kathleen M. Drakulich, District Judge Coulter Harsh Law Lewis Brisbois Bisaard & Smith LLC/Reno Lemons, Grundy & Eisenberg Washoe District Court Clerk