

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EASTERN WIGWAM, LLC, A NEVADA
LIMITED LIABILITY COMPANY; AND
MEADOWS BANK, A NEVADA
CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,
Respondents,

and

ALLPRO SERVICES, LLC, D/B/A
ALLPRO PAINTERS,
Real Party in Interest.

No. 82221-COA

FILED

FEB 25 2021

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

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order denying a motion for summary judgment in a contract and mechanic's lien action.

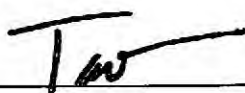
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Moreover, it is well established that Nevada's

appellate courts will generally not exercise their discretion to consider petitions for extraordinary writ relief that challenge orders denying motions for summary judgment 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). Petitioners bear 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).

We have considered the petition and supporting documents while bearing in mind Nevada's appellate courts' circumspect approach to requests for extraordinary relief from orders denying motions for summary judgment. See *Smith*, 113 Nev. at 1344-45, 950 P.2d at 281. And based on our review, we cannot conclude that petitioners have met their burden of demonstrating that our extraordinary intervention is warranted. See *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we deny the petition. See NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Nancy L. Alf, District Judge
Jeffrey R. Albregts, LLC
Peel Brimley LLP/Henderson
Eighth District Court Clerk