

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRISHA ROWBERRY,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
NADIN CUTTER, DISTRICT JUDGE,  
Respondents,  
and  
JOSHUA ROWBERRY,  
Real Party in Interest.

No. 82818-COA

**FILED**

JUN 14 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *E. A. Brown*  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF CERTIORARI,  
MANDAMUS, OR PROHIBITION*

This original petition for writ relief challenges a district court's procedural ruling in a child custody matter.

A writ of certiorari is granted when a lower court has exceeded its jurisdiction. NRS 34.020(2). 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 prohibition may be warranted when a district court acts without or in excess of its jurisdiction. NRS 34.320; *Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012). Writ relief is typically not available when the petitioners have a plain, speedy, and adequate remedy at law. NRS 34.020(2); NRS 34.170; NRS 34.330; *D.R.*

*Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474, 168 P.3d 731, 736 (2007); *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). Further, petitions for writ relief constitute extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered. See *D.R. Horton*, 123 Nev. at 474-75, 168 P.3d at 736-37; *Zamarripa*, 103 Nev. at 640, 747 P.2d at 1387. 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).

Having considered the petition and supporting documents filed in this matter, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. *Id.* In particular, as to petitioner's assertion that the district court lacks jurisdiction to consider the underlying custody matter, this argument is unpersuasive. *Foster v. Dingwall*, 126 Nev. 49, 52-53, 228 P.3d 453, 454-56 (2010) (clarifying the procedure for seeking a remand after an appeal is perfected, as outlined in *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), and explaining that after an appeal is perfected, the district court has jurisdiction to direct briefing and hold a hearing on a motion). Similarly, as to petitioner's assertion that she is not required to file a new motion for relocation each time she moves to another state, that argument likewise is unpersuasive in light of the recent opinion in *Pelkola v. Pelkola*, 137 Nev., Adv. Op. 24, \_\_\_ P.3d \_\_\_, \_\_\_ (2021) (explaining that NRS 125C.006's relocation provisions apply when a custodial parent seeks to relocate from a place outside of Nevada to another place outside of Nevada).

To the extent petitioner raises other arguments in the petition, we have considered the same and conclude that they do not warrant our extraordinary intervention. *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.<sup>1</sup>

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Nadin Cutter, District Judge, Family Court Division  
Robert W. Lueck, Ltd.  
Law Offices of F. Peter James, Esq.  
Eighth District Court Clerk

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<sup>1</sup>In light of our disposition, we deny petitioner's motion for stay as moot.