

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARGARITA E. ROSIAK,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MICHELE MERCER, DISTRICT  
JUDGE,  
Respondents,  
and  
RICHARD J. ROSIAK,  
Real Party in Interest.

No. 83116

FILED

JUN 30 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK


*ORDER DENYING PETITION  
FOR A WRIT OF MANDAMUS OR PROHIBITION*

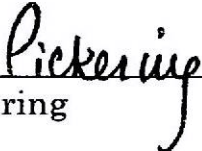
This original petition for a writ of mandamus and/or prohibition seeks a writ compelling the district court to (1) add a revocable trust and trustees as indispensable parties; (2) issue an award of attorney fees, prior to trial, comparable to the fees paid by real party in interest to his counsel; and (3) continue the trial and reopen discovery so that trust assets may be properly traced. Petitioner also filed an emergency motion seeking to stay proceedings in the district court.

We have reviewed the documents submitted in this matter and, without deciding upon the merits of any claims raised therein, we decline to exercise our original jurisdiction. NRS 34.160; NRS 34.330; *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); *Smith v. Eighth Judicial Dist. Court*, 107 Nev.

674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Accordingly, without deciding upon the merits of any claims raised, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Michele Mercer, District Judge, Family Court Division  
The Grace Law Firm  
Willick Law Group  
Eighth District Court Clerk

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<sup>1</sup>In light of our decision, we deny petitioner's emergency motion for stay of the district court proceedings.