

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL FABER,
Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND
FOR THE COUNTY OF CLARK; AND
THE HONORABLE NADIA KRALL,
DISTRICT JUDGE,

Respondents,

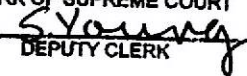
and

DISTRIBUTIONS, LLC, D/B/A BLACK
& CHERRY REAL ESTATE AND
PROPERTY MANAGEMENT, A
DOMESTIC LIMITED-LIABILITY
COMPANY, DULY AUTHORIZED AND
LICENSED TO DO BUSINESS IN
HENDERSON, CLARK COUNTY,
NEVADA; TIMOTHY DENISON,
INDIVIDUALLY AND AS TRUSTEE OF
THE DENISON REVOCABLE TRUST;
AND DIANE S. DENISON
INDIVIDUALLY AND AS TRUSTEE OF
THE DENISON REVOCABLE TRUST,
Real Parties in Interest.

No. 83302

FILED

AUG 03 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original petition for a writ of mandamus or prohibition challenges a district court order granting, in part, a motion in limine and allowing real parties in interest to present evidence of spoliation at trial.

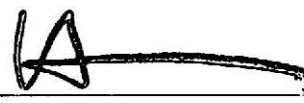
Having considered the petition and its supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d

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, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has discretion in determining whether to entertain a writ petition). Despite petitioner's arguments to the contrary, we conclude that petitioner has an adequate and speedy legal remedy in the form of an appeal from any adverse final judgment, precluding writ relief. NRS 34.170; NRS 34.330; *Walker v. Second Judicial Dist. Court*, 136 Nev., Adv. Op. 80, 476 P.3d 1194, 1198 (2020) (recognizing that a later appeal generally constitutes an adequate and speedy remedy at law, even when an interlocutory mandamus action would be easier or quicker). Moreover, the issues raised in this petition are largely factual and better resolved on a fully developed record. *See Walker*, 136 Nev., Adv. Op. 80, 476 P.3d at 1199 (declining to provide writ relief when the underlying issue involved factual disputes). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon

¹We have considered petitioner's August 2, 2021, motion to supplement, which informs that trial has been rescheduled for September. Nevertheless, in light of this order, petitioner's emergency motion for stay is denied as moot.

cc: Hon. Nadia Krall, District Judge
George T. Bochanis, Ltd.
Claggett & Sykes Law Firm
Shumway Van
Dennett Winspear, LLP
Eighth District Court Clerk