

IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR CABADA, AN INDIVIDUAL;
AND JOSE ALBERTO CABADA-
OROZCO, AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE TARA
D. CLARK NEWBERRY, DISTRICT
JUDGE,

Respondents,

and

PETER RICHARDSON, AN
INDIVIDUAL,
Real Party in Interest.

No. 83230

FILED

AUG 12 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 partially granting a motion to strike a rebuttal expert.

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is within this court's sole discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioners bear the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in

nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841. Further, “[t]his court has held that the decision to admit or exclude expert opinion testimony is discretionary and is not typically subject to review on a petition for a writ of mandamus.” *Williams v. Eighth Judicial Dist. Court*, 127 Nev. 518, 524, 262 P.3d 360, 364 (2011). Having considered the petition, we are not persuaded that our extraordinary intervention is warranted because petitioners have not demonstrated that an appeal from a final judgment below would not be a plain, speedy, and adequate legal remedy. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Tara D. Clark Newberry, District Judge
Bauman Loewe Witt & Maxwell, PLLC/Las Vegas
Drummond Law Firm
Law Office of Lee J. Grant II
Eighth District Court Clerk