

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTINA LOPEZ,
Petitioner,

vs.

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

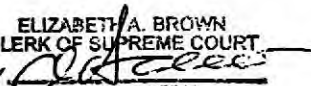
Respondents,
and

SHERRY L. MATZDORFF,
INDIVIDUALLY; AND SHERRY L.
MATZDORFF, AS THE GUARDIAN
AND NATURAL MOTHER OF RACHEL
L. MATZDORFF, A MINOR,
Real Parties in Interest.

No. 81932-COA

FILED

SEP 22 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, alternatively, prohibition challenges district court orders granting a motion in limine to exclude expert witness testimony and denying related requests for relief in a tort action.

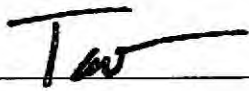
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS

34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of the filings in this matter, as well as the arguments set forth therein, we conclude that petitioner has failed to meet her burden of demonstrating that extraordinary writ relief is warranted. *See id.* Accordingly, we deny the petition. NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹In light of our disposition of this matter, we vacate the stay ordered by this court on March 18, 2021.

cc: Hon. Joanna Kishner, District Judge
Messner Reeves LLP
Bertoldo Baker Carter & Smith
Eighth District Court Clerk

Docket Number - 80856



Document Year - 2021



Document Number - 27328



Document Type - 10326



IN THE SUPREME COURT OF THE STATE OF NEVADA

CARMINE RIGA, III, AN INDIVIDUAL,
Appellant,
vs.
SHAIYA MCNABB, AN INDIVIDUAL;
AND RODNEY MCNABB, AN
INDIVIDUAL,
Respondents.

No. 80856

FILED

SEP 22 2021

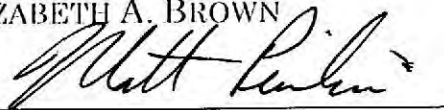
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER GRANTING TELEPHONIC EXTENSION

Pursuant to a telephonic request received on September 21, 2021, respondents shall have until October 7, 2021, to file and serve the answer to the petition for review. *See* NRAP 26(b)(1)(B).

It is so ORDERED.

CLERK OF THE SUPREME COURT
ELIZABETH A. BROWN

BY: 

cc: Nicolas M. Bui, Ltd.
Winner Booze & Zarcone