

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN T. RIFFEL,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
BARRY L. BRESLOW, DISTRICT
JUDGE,

Respondents,

and

NICHOLAS W. ANDERSON; LINDA S.
ANDERSON; AND APRIL E.

ANDERSON,

Real Parties in Interest.

No. 82774-COA

FILED

OCT 20 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Vauney
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

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 and 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). This court has discretion whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *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. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and the documents filed in this matter, we are not persuaded that this court's intervention by way of

extraordinary relief is warranted. *Id.* Accordingly, we deny the petition.
See NRAP 21(b)(4); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Barry L. Breslow, District Judge
Wallace & Millsap LLC
April E. Anderson
Linda S. Anderson
Nicholas W. Anderson
Washoe District Court Clerk