

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JIMMY WILSON, INDIVIDUALLY;
AND TWANA HATCHER,
INDIVIDUALLY,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CHRISTY L. CRAIG, DISTRICT JUDGE,
Respondents,
and
TYRONE SPREWELL,
Real Party in Interest.

No. 84319-COA

FILED

MAR 22 2022

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging district court orders denying dispositive motions and awarding attorney fees as sanctions in a contract and real property matter.

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. 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 mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *Pan v. Eighth*


Judicial Dist. Court, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (noting that “the right to appeal is generally an adequate legal remedy that precludes writ relief”). Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). The petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan*, 120 Nev. at 228, 88 P.3d at 844.

Having reviewed the petition and the documents submitted to this court, we decline to exercise our discretion to consider the petition on its merits, as petitioners have failed to demonstrate that extraordinary relief is warranted. *See id.*; *Smith*, 107 Nev. at 677, 679, 818 P.2d at 851, 853. Specifically, with respect to both the denials of their dispositive motions and the awards of sanctions against them, petitioners have a plain, speedy, and adequate remedy at law in the form of an appeal from a final judgment. *See Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558 (noting that the appellate courts generally decline to consider writ petitions challenging interlocutory denials of dispositive motions, as an appeal from the final judgment typically constitutes a speedy and adequate legal remedy); *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (recognizing that interlocutory orders are reviewable on appeal from a final judgment); *cf. Wheeler Springs Plaza, LLC v. Beemon*, 119 Nev. 260, 267-68, 71 P.3d 1258, 1262-63 (2003)

(holding that parties may obtain restitution for amounts paid in compliance with a judgment if it is ultimately reversed). We therefore deny the petition. See NRAP 21(b)(1).

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Christy L. Craig, District Judge
Hatfield & Associates, Ltd.
Hong & Hong
Eighth District Court Clerk

¹In light of our disposition, we deny petitioners' March 21, 2022, emergency motion for stay as moot.