

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH HONG, AN INDIVIDUAL;
AND HONG & HONG, APLC, D/B/A
HONG & HONG LAW FIRM, AN
UNKNOWN BUSINESS ENTITY
OPERATING AS A LAW FIRM IN
NEVADA, A NEVADA PROFESSIONAL
CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JESSICA K. PETERSON, DISTRICT
JUDGE,

Respondents,


and

DENISE LYNN; AND DESERT
SHELTERS, LLC,
Real Parties in Interest.

No. 84714

FILED

JUN 01 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

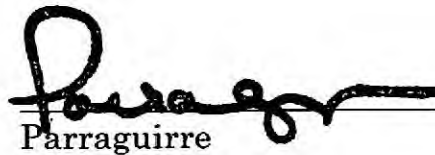
ORDER DENYING PETITION

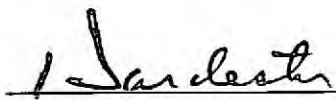
This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss pursuant to NRCP 16.1(e).

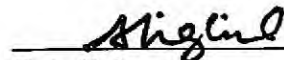
“A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion.” *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *see* NRS 34.160. This court has original 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. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 841 (2004). As a general rule, “judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment.” *State ex rel. Dep’t of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), *as modified by State v. Eighth Judicial Dist. Court (Anzalone)*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); *Buckwalter v. Dist. Court*, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010) (noting that “[n]ormally this court will not entertain a writ petition challenging the denial of a motion to dismiss”). Although the rule is not absolute, *see Int’l Game Tech.*, 122 Nev. at 142-43, 127 P.3d at 1096, petitioner has not established the district court manifestly abused its discretion. Accordingly, we

ORDER the petition DENIED.


Parraguirre, C.J.


Hardesty, J.


Stiglich, J.

cc: Hon. Jessica K. Peterson, District Judge
Lipson Neilson P.C.
Accelerated Law Group
Eighth District Court Clerk