

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ADRIANA ESCOBAR, DISTRICT
JUDGE,
Respondents,
and
DUE DILIGENCE GROUP, LLC,
Real Party in Interest.

No. 85129

FILED

AUG 11 2022

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

*ORDER DENYING PETITION
FOR WRIT OF PROHIBITION OR MANDAMUS*

This original petition for a writ of prohibition or mandamus challenges a district judge's voluntary recusal.

A writ of prohibition may issue to curb jurisdictional excesses, while mandamus is available to control a manifest abuse of discretion. NRS 34.330; NRS 34.160; *Agwara v. State Bar of Nev.*, 133 Nev. 783, 785, 406 P.3d 488, 491 (2017). Whether to issue such extraordinary relief is solely within our discretion, however, *id.*, and it is petitioner's burden to demonstrate that such relief is warranted under those standards. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Additionally, petitioners must show that emergency matters were filed at the earliest possible time, NRAP 27(e)(1), and petitions for writ relief are subject to the doctrine of laches. *Bldg. & Constr. Trades Council of N. Nev. v. State ex rel. Pub. Works Bd.*, 108 Nev. 605, 611, 836 P.2d 633, 637 (1992).

Having considered the petition and supporting documents, we conclude that petitioner has not demonstrated that the district judge, who disclosed her reasons for recusal under NCJC Rule 2.11 on the record, manifestly abused her discretion or exceeded her jurisdiction such that our extraordinary intervention is warranted. *See State v. Dist. Ct. (Armstrong)*, 127 Nev. 927, 932, 267 P.3d 777, 780 (2011) (describing a manifest abuse of discretion as a clearly erroneous interpretation or application of the law, rendered without due consideration). Further, despite the statutory priority given the matter below under NRS 239.011(2) and a district court order expediting the matter, petitioner waited over three weeks before filing this petition and a motion to stay proceedings on an emergency basis, without objecting to the recusal below. Given the above, we determine that our intervention in the matter is not justified and

ORDER the petition DENIED.¹

Hardesty, J.
Hardesty

Cadish, J.
Cadish

Pickering, J.
Pickering

¹In light of this order, petitioner's emergency motion for stay is denied as moot.

cc: Hon. Adriana Escobar, District Judge
Marquis Aurbach Coffing
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
Elias Law Group LLP/Wash DC
Eighth District Court Clerk