

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PEGARAH LIMITED, A SAMOAN  
COMPANY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARK R. DENTON, DISTRICT JUDGE,  
Respondents,

and

GWG GROUP, LLC, A LIMITED  
LIABILITY COMPANY,  
Real Party in Interest.

No. 84254-COA

FILED

NOV 22 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *E. A. Brown*  
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS*

This is an original petition for a writ of mandamus seeking to compel the district court to vacate or amend certain discovery rulings. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Petitioner Pegarah Limited seeks a writ of mandamus directing the district court to (1) vacate its order denying Pegarah's motion to compel discovery and granting real party-in-interest GWG Group, LLC's motion for protective order and (2) amend a subsequent order denying any relief based on the initial order. Pegarah asserts that the challenged orders lack any findings as required by this court's opinion in *Venetian Casino Resort, LLC v. Eighth Judicial District Court*, 136 Nev. 221, 224-29, 467 P.3d 1, 5-8 (Ct. App. 2020), on relevance, proportionality, or good cause for a protective order. GWG asserts that the district court heard Pegarah's arguments on

these issues multiple times, was not persuaded, and the record supports denying this petition for an extraordinary writ.

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 manifest abuse, or an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Merits Incentives, LLC v. Eighth Judicial Dist. Court*, 127 Nev. 689, 694, 262 P.3d 720, 723 (2011). This court has discretion as to 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; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Moreover, this court generally will not exercise its discretion to consider writ petitions challenging discovery orders. *Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. 167, 171, 252 P.3d 676, 678 (2011). 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).

Discovery matters are within the district court's sound discretion and this court will not disturb a district court's discovery ruling absent a clear abuse of discretion. *See Venetian*, 136 Nev. at 224, 467 P.3d at 4. Accordingly, the appellate courts have typically only issued writs to prevent improper, blanket discovery orders that fail to consider relevancy; discovery orders improperly compelling the disclosure of privileged information; or, sometimes, if an important issue of law needs clarification and public policy would be served by the issuance of a writ. *Okada v. Eighth Judicial Dist. Court*, 131 Nev. 834, 839-40, 359 P.3d 1106, 1110 (2015).

Having reviewed the documents submitted to this court by the parties, as well as the arguments presented in their respective briefs, we do

not find that extraordinary relief is warranted. *See D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Our supreme court has recognized that “[t]he right . . . to appeal in the future, after a final judgment is ultimately entered, will generally constitute an adequate and speedy legal remedy precluding writ relief.” *D.R. Horton*, 123 Nev. at 474, 168 P.3d at 736. In arguing that an eventual appeal from a final judgment resolving the parties’ contractual dispute is not an adequate and speedy legal remedy, petitioner asserts that the district court’s orders prevent it from obtaining the discovery it needs to present its claims to a jury. However, the district court’s orders merely prevent Pegarah from obtaining desired documents regarding a third-party.

We generally decline to review discovery orders in the context of a writ petition unless they are “likely to cause *irreparable* harm,” such as orders allowing blanket discovery without regard to relevance or requiring disclosure of privileged information. *Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012) (emphasis added). Even if we accepted the argument that the district court’s orders are deficient under *Venetian*, Pegarah has not demonstrated that the district court’s rulings present any harm warranting extraordinary relief. Indeed, this situation is the opposite of a blanket production of irrelevant information or disclosure of private information. *Cf. Venetian*, 136 Nev. at 223, 467 P.3d at 4 (concluding that writ relief was appropriate because “a later appeal would not effectively remedy any improper disclosure of the Venetian’s guests’ private information”). An appeal in the normal course could adequately address the deficiencies of production Pegarah alleges. *See D.R. Horton*, 123 Nev. at 474, 168 P.3d at 736. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Mark R. Denton, District Judge  
Santoro Whitmire  
Dickinson Wright PLLC  
Eighth District Court Clerk