

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELITE INVESTIGATIONS, INC., A  
NEVADA CORPORATION; JONATHAN  
E. GIRARD, A NEVADA CITIZEN,  
INDIVIDUALLY; AND XAVIER  
SEDILLO, A NEVADA CITIZEN,  
INDIVIDUALLY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JAMES CROCKETT, SENIOR JUDGE,  
Respondents,

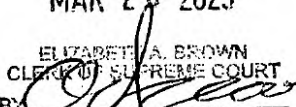
and

AIDEN DIAZ-TOLER, INDIVIDUALLY;  
JENNIFER VILLAFANA,  
INDIVIDUALLY; AND TERAFLX,  
INC., A UTAH CORPORATION,  
Real Parties in Interest.

No. 85020

FILED

MAR 28 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR A WRIT OF MANDAMUS OR, IN  
THE ALTERNATIVE, A WRIT OF PROHIBITION*

This original petition for a writ of mandamus or, in the  
alternative, a writ of prohibition challenges a district court order denying a  
motion to dismiss.

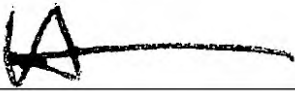
“A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion.” *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (footnotes omitted). A writ of prohibition is available to restrain a district court from acting outside of or exceeding its jurisdiction. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Either writ may issue “in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170; NRS 34.330.


The consideration of a writ petition is within this court’s sole discretion. *State, Dep’t of Tax’n v. Eighth Judicial Dist. Court*, 136 Nev. 366, 368, 466 P.3d 1281, 1283 (2020). This court’s general policy is to decline to consider writ petitions challenging district court orders denying motions to dismiss. *Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558-59. Petitioners bear 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). When disputed issues of fact are critical in demonstrating the propriety of extraordinary relief, those factual issues should be resolved in the first instance in the district court. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981).

Having considered the parties’ briefing, oral arguments, and the record, we conclude that petitioners have not demonstrated that our

extraordinary intervention is warranted at this stage in the proceedings.  
*See Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we deny the petition.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Herndon

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Parraguirre

cc: Chief Judge, The Eighth Judicial District Court  
Hon. James Crockett, Senior Judge  
Gordon Rees Scully Mansukhani LLP/Las Vegas  
Kemp Jones, LLP  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Parker, Nelson & Associates  
Eighth District Court Clerk