IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE DAICHENDT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,
Respondents,
and
ED UNDERWOOD,
Real Party in Interest.

No. 86635

FILED

JUN 16 2023

DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS AND DENYING MOTION FOR STAY

This original petition for a writ of mandamus challenges district court orders denying (1) petitioner's second motion to extend time to amend pleadings or add parties and motion for leave to file a second amended complaint and (2) motion to reconsider its order denying leave to amend, or in the alternative for a stay pending resolution of this petition.

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is solely within this court's 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). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. See Pan v. Eighth Judicial Dist. Court, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. Id. at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in

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nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841. Here, we conclude that petitioner has an adequate remedy at law by way of direct appeal. Accordingly, we deny the petition.¹

It is so ORDERED.

Stiglich

Cadish

Cadish

Herndon

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cc: Hon. Susan Johnson, District Judge Randazza Legal Group, PLLC Brownstein Hyatt Farber Schreck, LLP/Las Vegas Eighth District Court Clerk

¹We further deny petitioner's May 26, 2023, motion for stay of the district court proceedings as most given our decision here.