

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NOELLE MURPHY, AN INDIVIDUAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MONICA TRUJILLO, DISTRICT
JUDGE,

Respondents,

and

777 TOWING, INC., A DOMESTIC
LIMITED LIABILITY COMPANY; AND
EDUARDO RODRIGUEZ-VALLE, AN
INDIVIDUAL,
Real Parties in Interest.

No. 85937-COA

FILED

JUN 26 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

FOR WRIT OF MANDAMUS AND/OR PROHIBITION

This is an original petition for a writ of mandamus and/or prohibition challenging a district court order denying petitioner's motion to alter or amend her complaint.

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. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. *See* NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107

Nev. 674, 677, 818 P.2d 849, 851 (1991). The decision as to whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. See *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 of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, we conclude petitioner has not demonstrated that our extraordinary intervention is warranted. See *id.*; *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737. Accordingly, we deny the petition.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Westbrook


_____, Sr.J.
Silver

cc: Hon. Monica Trujillo, District Judge
J. Cogburn Law
Messner Reeves LLP
Eighth District Court Clerk

¹The Honorable Abbi Silver, Senior Justice, participated in the decision of this matter under a general order of assignment.