

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANGELIKA SROUJI, AN INDIVIDUAL;
AND MOIST TOWEL SERVICES LTD,
A NEVADA LIMITED LIABILITY
COMPANY,
Appellants,

vs.

A & H INVESTMENTS LLC, A
NEVADA LIMITED LIABILITY
COMPANY; MOIST TOWEL
PRODUCTS AND SERVICES LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND HAB SIAM,

Respondents.

MOIST TOWEL SERVICES LTD, A
NEVADA LIMITED LIABILITY
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

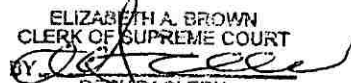
A & H INVESTMENTS LLC, A
NEVADA LIMITED LIABILITY
COMPANY; MOIST TOWEL
PRODUCTS AND SERVICES LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND HAB SIAM,

Real Parties in Interest.

No. 86713

FILED

JUN 29 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

✓ No. 86815

*ORDER DENYING EMERGENCY PETITION FOR EXTRAORDINARY
RELIEF IN DOCKET NO. 86815*

This original petition for a writ of mandamus, a writ of prohibition, or a writ of certiorari¹ seeks to compel the district court to vacate its order granting summary judgment on petitioner's claims in case no. A-19-806846-B.²

The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). A writ of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary and capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). 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. NRS 34.320; *Smith v.*

¹While the petition is titled as seeking a writ of certiorari, petitioner does not argue for that relief, and we do not address it here.

²In the district court, case no. A-19-806846-C and case no. A-19-807331-B were consolidated pursuant to a stipulation between the parties into case no. A-19-806846-B. The order granting summary judgment dismissed the entirety of the claims raised in case no. A-19-806846-C. Therefore, the order granting summary judgment appears to have finally resolved case no. A-19-806846-C such that there is no need for 54(b) certification, and it appears that we have jurisdiction over the pending appeal in docket no. 86713. *See Matter of Estate of Sarge*, 134 Nev. 866, 870-71, 432 P.3d 718, 722 (2018) (holding that consolidated cases retain their separate identities so that an order resolving all of the claims in one of the consolidated cases is immediately appealable as a final judgment) *overruling Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 609, 797 P.2d 978, 980 (1990).

Eighth Judicial Dist. Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear 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. NRS 34.170; *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. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. Petitioner has not demonstrated that an appeal would not afford a plain, speedy, and adequate remedy, and indeed petitioner has appealed from the order granting summary judgment in Docket No. 86713. *See Estate of Sarge*, 134 Nev. at 870-71, 432 P.3d at 722. Accordingly, we

ORDER the petition DENIED.³


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

³Given our disposition of this matter, the motions to consolidate filed in Docket No. 86713 and Docket No. 86815 are denied. To the extent the petitioner requests a stay of the district court proceedings, that request is deficient because it must be made in a separate motion that complies with NRAP 27 and NRAP 8. We make no determination as to the merits of such a motion. We further note that appellant Angelika Srouji joined in both the motion to consolidate and the instant petition for writ relief.

cc: Hon. Mark R. Denton, District Judge
Angelika Srouji
Brandon L. Phillips, Attorney At Law, PLLC
Arnold & Porter Kaye Scholer LLP\Denver
Arnold & Porter Kaye Scholer LLP\Chicago
Peterson Baker, PLLC
Eighth District Court Clerk