

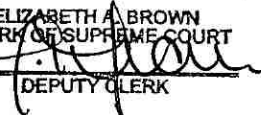
IN THE SUPREME COURT OF THE STATE OF NEVADA

MOIST TOWEL SERVICES LTD, A
NEVADA LIMITED LIABILITY
COMPANY; AND ANGELIKA SROUJI,
Petitioners,
vs.
THE HONORABLE MARK R. DENTON,
DISTRICT JUDGE; AND THE EIGHTH
JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK,
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. 86916

FILED

JUL 12 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original emergency petition for a writ of mandamus, writ of prohibition, or writ of certiorari¹ seeks a writ compelling the district court to grant a motion for summary judgment and to deny a motion for leave to file an amended complaint.²

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.

²The emergency petition and emergency motion for a stay filed on July 7, 2023, do not comply with this court's rules regarding emergency petitions as they fail to articulate why relief by July 10 is necessary to avoid irreparable harm. *See* NRAP 27(e).

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. 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. Even when an appeal is not immediately available because the challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

Having reviewed the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. Problematically, petitioners failed to provide a copy of the written order granting the motion for leave to amend the complaint. This court normally will not consider a petition for extraordinary relief in the absence of the challenged written order. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686,

689, 747 P.2d 1380, 1382 (1987) (noting that the clerk’s minute order, and even an unfiled written order are ineffective for any purpose); *see also* NRAP 21(a)(4) (explaining that it is the petitioner’s obligation to provide an appendix that includes all records that may be essential to understand the matters set forth in the petition). Further, as a general rule, “judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment.” *State ex rel. Dep’t of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), *as modified by State v. Eighth Judicial Dist. Court*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); *Buckwalter v. Dist. Court*, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010) (noting that “[n]ormally this court will not entertain a writ petition challenging the denial of a motion to dismiss”). Although the rule is not absolute, *see Int’l Game Tech.*, 122 Nev. at 142-43, 127 P.3d at 1096, petitioner has not established the district court manifestly abused its discretion. Accordingly, we

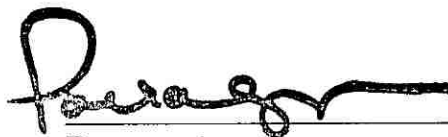
ORDER the petition DENIED.³



_____, J.
Herndon



_____, J.
Lee



_____, J.
Parraguirre

³Given our disposition of this matter, the emergency motion for a stay and the motion to file portions of the appendix under seal are denied. The clerk of this court shall return the portions of petitioners’ appendix volumes 2, 4, and 10, received on July 7, 2023, unfiled.

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