


IN THE SUPREME COURT OF THE STATE OF NEVADA

SHREE JOSHI, INDIVIDUALLY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NADIA KRALL, DISTRICT COURT
JUDGE,
Respondents,
and
ROBERT PINKNEY, INDIVIDUALLY;
AND HALEY ROSER, INDIVIDUALLY,
Real Parties in Interest.

No. 88507

FILED

MAY 03 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus seeking to compel the district court to vacate its order denying petitioner's motion to dismiss and to grant the motion to dismiss.

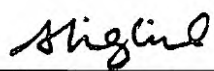
The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining 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 Jud. Dist. Ct.*, 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. *See Pan v. Eighth Jud. Dist. Ct.*, 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 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.

Having considered the petition and supporting documents we are not persuaded that our extraordinary intervention is warranted. To begin, petitioner has not demonstrated that an appeal from a final judgment would not be a plain, speedy, and adequate remedy. Nor has petitioner demonstrated a persuasive basis for deviating from the general rule that this court will not entertain writ petitions challenging the denial of a motion to dismiss. *See Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 824-25, 407 P.3d 702, 709-10 (2017). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

¹Given our disposition of this matter, the motion for leave to exceed page/word count filed on April 18, 2024, is denied.

cc: Hon. Nadia Krall, District Judge
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas
Cega Law Group
Eighth District Court Clerk