

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALLSTATE INSURANCE COMPANY,  
AN ILLINOIS CORPORATION;  
ALLSTATE INDEMNITY COMPANY,  
AN ILLINOIS CORPORATION; AND  
KIMBERLEY BOWLER,  
INDIVIDUALLY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
TIMOTHY C. WILLIAMS, DISTRICT  
JUDGE,

Respondents,

and

NICO FENSKE, INDIVIDUALLY,  
Real Party in Interest.

No. 87520-COA

**FILED**

JUL 05 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR  
PROHIBITION*

This is an original petition for writ of mandamus, or alternatively, a writ of prohibition, challenging the district court's alleged failure to enter an order disqualifying real party in interest Nico Fenske's expert witness, disqualifying Fenske's counsel, or issuing case-terminating sanctions.

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 Jud. Dist. Ct.*, 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 Jud. Dist. Ct.*, 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 Jud. Dist. Ct.*, 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 Jud. Dist. Ct.*, 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.*; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Timothy C. Williams, District Judge  
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas  
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Reno  
Cottle Law Firm  
Eighth District Court Clerk