


IN THE SUPREME COURT OF THE STATE OF NEVADA

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE
CWALT, INC., ALTERNATIVE LOAN
TRUST 2005-84, MORTGAGE PASS-
THROUGH CERTIFICATES SERIES
2005-84,
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
BDJ INVESTMENTS, LLC; REAL TIME
RESOLUTIONS, INC.; AND COTTAGES
AT CENTENNIAL RANCH
HOMEOWNERS ASSOCIATION,
Real Parties in Interest.

No. 88920

FILED

JUL 29 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION


This is an original petition for a writ of prohibition seeking to prevent post-judgment discovery and for a writ of mandamus seeking to compel the district court to vacate its order exonerating a bond in the amount of \$25,000, to award damages, and to issue an order to show cause in a foreclosure matter.

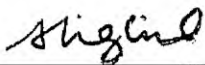
The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ

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*, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears 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. Further, as this court has explained, "extraordinary writs are generally not available to review discovery orders." *Valley Health Sys., LLC v. Eighth Jud. Dist. Ct.*, 127 Nev. 167, 171, 252 P.3d 676, 678 (2011). Although these rules are not absolute, *see Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioner has not demonstrated that the district court's order otherwise falls within any of the narrow grounds that may warrant writ relief. Further, problematically, petitioner does not include in its appendix all of the documents it cites in its petition. *See Pan*, 120 Nev. at 224, 88 P.3d at 841; *see also* NRAP 21(a)(4) (stating that it is a petitioner's responsibility to provide this court with all of the documents necessary to

understand the matters set forth in the petition). Having considered the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. *Smith*, 107 Nev. at 679, 818 P.2d at 853. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Timothy C. Williams, District Judge
Akerman LLP/Las Vegas
Black & Wadhams
Cottages at Centennial Ranch Homeowners Association
Real Time Resolutions, Inc.
Eighth District Court Clerk