

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT R. PILKINGTON; AND  
DENISE L. PILKINGTON,  
Petitioners,

vs.

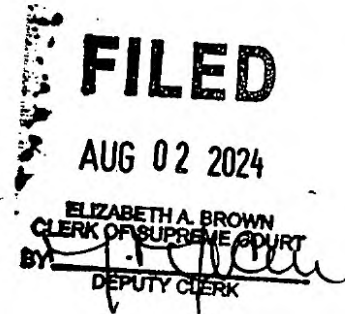
THE HONORABLE STEVEN R.  
KOSACH; AND THE FIFTH JUDICIAL  
DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY  
OF NYE,

Respondents,  
and

HUNTER LIGGETT; JILL RENE  
STYNDA; JANET E. LENK COHEN;  
CARIN LENK SLOANE; KRISTIN  
NOEL LENK PFEIFER; AND GINGER  
STUMNE,

Real Parties in Interest.

No. 87822-COA



*ORDER DENYING PETITION FOR WRIT OF MANDAMUS  
AND WRIT OF PROHIBITION*

Petitioners Robert R. Pilkington and Denise L. Pilkington bring this original petition for mandamus and prohibition relief challenging district court orders declaring them vexatious litigants and imposing filing restrictions on them.

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. 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. NRS 34.320;


*Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Mandamus and probation are extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered. *Smith*, 107 Nev. at 677, 818 P.3d at 851. 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. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004).

Based on our review of the documents before us, we conclude petitioners have not demonstrated that our extraordinary intervention is warranted. *Id.* at 224, 88 P.3d at 844. Accordingly, we deny the petition.

It is so ORDERED.

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

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

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

cc: Chief Judge, Fifth Judicial District Court  
Hon. Steven R. Kosach, Senior Judge  
Denise L. Pilkington  
Robert R. Pilkington  
Anthony L. Barney, Ltd.  
Erickson Thorpe & Swainston, Ltd.  
Roland Law Firm  
Snell & Wilmer, LLP/Las Vegas  
Nye County Clerk