

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PETER A. MAZZEO,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE MARI
D. PARLADE, DISTRICT JUDGE,
Respondents,
and
SUN MIN MAZZEO,
Real Party in Interest.

No. 87915-COA

FILED

AUG 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus challenges a district court's pretrial findings of fact, conclusions of law, decision and order finding a premarital agreement invalid and unenforceable.

Peter A. Mazzeo and Sun Min Mazzeo were married in 2016. Prior to getting married, Peter and Sun signed a premarital agreement. Peter is a Nevada attorney and Sun is a Korean immigrant who speaks English as a second language and was working in a nail salon when she signed the agreement. Peter filed a complaint for divorce and also moved to enforce the parties' premarital agreement. Sun filed an answer and counterclaim and opposed Peter's motion seeking to enforce the agreement for several reasons. The district court held an evidentiary hearing on Peter's motion to enforce the premarital agreement. In a 39-page order, the district court determined that the agreement was unenforceable for several reasons including that Sun met her burden of proof of showing that the

agreement was invalid by proving that the agreement greatly disadvantaged her. See NRS 123A.080 (addressing unenforceable premarital agreements); *Sogg v. Nev. State Bank*, 108 Nev. 308, 312, 832 P.2d 781, 784 (1992). The district court also found that Peter failed to overcome the presumption that the premarital agreement was invalid on this basis. This petition followed.

Peter argues in his petition that he has met his burden of demonstrating that the extraordinary remedy of writ relief is warranted by showing that the district court incorrectly shifted the burden of proof to him and required him to prove the premarital agreement was valid based on its misapplication of the law. See *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 843 (2004) (providing that the petitioner carries the burden of demonstrating that extraordinary relief is warranted). Peter requests that a writ of prohibition be entered directing the district court to cease proceeding with the divorce action as if the premarital agreement were invalid or, in the alternative, requests that this court enter a writ of mandamus directing the district court to enforce the premarital agreement and vacate its order entered in November 2023.

“This court has original jurisdiction to grant a writ of mandamus or prohibition, and issuance of such extraordinary relief is solely within this court’s discretion.” *Agwara v. State Bar of Nev.*, 133 Nev. 783, 785, 406 P.3d 488, 491 (2017); see Nev. Const. art. 6, § 4(1). “A writ of prohibition is appropriate when a district court acts without or in excess of its jurisdiction.” *Cote H. v. Eighth Jud. Dist. Ct.*, 124 Nev. 36, 39, 175 P.3d 906, 907 (2008). “A writ of mandamus is available to compel the performance of an act which the law . . . [requires] as a duty resulting from an office, trust or station, or to control a manifest abuse or an arbitrary or

capricious exercise of discretion.” *Id.* at 39, 175 P.3d at 908 (alterations in original) (internal quotation marks and footnote omitted). A writ of prohibition or mandamus should only be issued when there is not a plain, speedy, or adequate remedy in law. NRS 34.170 (mandamus); NRS 34.330 (prohibition).

Based on our review of the documents and arguments before us, we conclude that Peter has not demonstrated that extraordinary writ relief is warranted. *See* NRS 34.170; NRS 34.330; *see also Pan*, 120 Nev. at 228, 88 P.3d at 843.

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mari D. Parlade, District Judge
McFarling Law Group
The Abrams & Mayo Law Firm
Eighth District Court Clerk