

IN THE SUPREME COURT OF THE STATE OF NEVADA

COOK'S TRUCK & TRACTOR, LLC, A
DOMESTIC LIMITED-LIABILITY
COMPANY, AND GREGORY
CRAWFORD, AN INDIVIDUAL,
Petitioners,

vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,

Respondents,

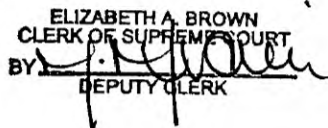
and

ELENA RUSSELL, AN INDIVIDUAL,
Real Party in Interest.

No. 89595

FILED

NOV 12 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

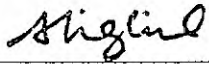
ORDER DENYING PETITION

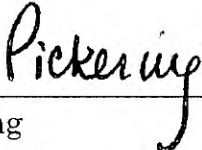
This emergency petition for a writ of mandamus or prohibition challenges a district court ruling denying partial summary judgment as to real party in interest's request for punitive damages.

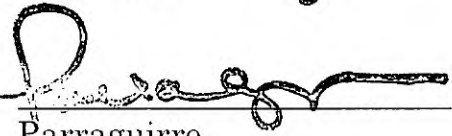
A writ of mandamus may be entered to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also* NRS 34.160, and a writ of prohibition is available to curb jurisdictional excesses, NRS 34.330. Neither writ will issue, however, when the petitioners have an adequate remedy at law. NRS 34.170; NRS 34.340; *Clay v. Eighth Jud. Dist. Ct.*, 129 Nev. 445, 449, 305 P.3d 898, 901 (2013). Consequently, subject to very few exceptions, we generally decline to exercise our discretion to consider writ petitions that challenge orders resolving motions for summary judgment. *Smith v. Eighth Jud. Dist. Ct.*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997).

Here, trial is scheduled to begin today, and petitioners may continue to press their challenge to real party in interest's punitive damages claim at trial and on appeal from any judgment on punitive damages in real party in interest's favor. Accordingly, having reviewed the petition and supporting documents, we decline to exercise our original jurisdiction. See *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”); see also *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ is discretionary). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Ronald J. Israel, District Judge
Stone Kalfus LLP
Christian Morris Trial Attorneys
Eighth District Court Clerk

¹In light of this order, petitioners' emergency motion for stay is denied as moot.