

IN THE SUPREME COURT OF THE STATE OF NEVADA

POLARIS INDUSTRIES, INC.;
POLARIS SALES INC.; AND POLARIS
INC. F/K/A POLARIS INDUSTRIES,
INC.,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CRYSTAL ELLER, DISTRICT JUDGE,
Respondents,
and
DANIELLE THOMASON,
Real Party in Interest.

No. 89617

FILED

NOV 25 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This petition for a writ of mandamus and/or prohibition challenges a district court oral ruling striking, as a sanction, petitioners' answer as to liability. Petitioners also seek an emergency stay of trial, which has been fully briefed.¹

¹Petitioners have moved to file the petition and volume 11 of the appendix under seal, explaining that the parties had asked the district court to seal an exhibit to the opposition to the motion to strike and the reply to the opposition, plus exhibits, and that the district court closed the hearing on the motion. The volume 11 contains copies of the documents provisionally sealed below and the sealed hearing transcript, and the petition references those sealed materials. Petitioners have filed redacted

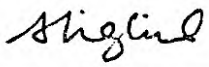
A writ of mandamus may be entered to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also* NRS 34.160, and a writ of prohibition is available to curb jurisdictional excesses, NRS 34.330. Neither 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). An appeal is generally an adequate remedy precluding writ relief. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

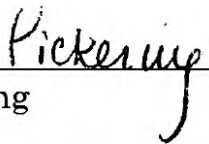
Here, trial is scheduled to begin next week, and petitioners may raise these issues on appeal from any judgment in real party in interest's favor. Accordingly, having reviewed the petition and supporting documents, we decline to exercise our original jurisdiction. *See id.*; *see also Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 681, 476 P.3d 1194, 1197 (2020) (discussing the requirements to obtain intervention by writ); *Smith*

versions of the petition and stay motion, and although petitioners filed two motions to seal the petition and volume 11, we presume they meant to ask that their stay motion be sealed as well, for the same reasons. Having reviewed the motions and materials, and as the online district court docket entries reflect that the motions to seal below were granted, we grant the motions to seal. SRCR 7. Accordingly, the clerk of this court shall file, under seal, the petition, emergency stay motion, volume 11 of the appendix, and the index thereto, all of which were provisionally received in this court on November 19, 2024.

Real party in interest's motion for leave to file under seal volumes 5-7 of her appendix to her response to the stay motion is denied as moot. The clerk of this court shall return, unfiled, any such volumes received after this order is entered.

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.²


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Farraguirre

cc: Hon. Crystal Eller, District Judge
Snell & Wilmer, LLP/Las Vegas
Trial Lawyers for Justice
Messner Reeves LLP
Eighth District Court Clerk

²In light of this order, petitioners' emergency motion for stay is denied
as moot.