

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN COLLYMORE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DANIELLE PIEPER, DISTRICT
JUDGE,
Respondents,
and
KATHLEEN VILLANI AND JAMES
VILLANI,
Real Parties in Interest.

No. 89933

FILED

FEB 10 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus or prohibition seeking to reverse a district court order denying a motion to enforce settlement and dismiss all remaining claims.

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 or 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 v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

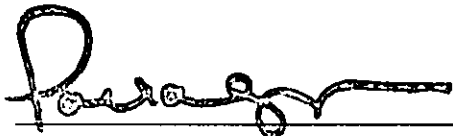
Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. NRS 34.170; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Pan*, 120 Nev. 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 generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

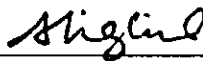
Having reviewed the petition and supporting documents, we are not persuaded that our extraordinary intervention is warranted. As a general rule, "judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment." *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), as modified by *State v. Eighth Jud. Dist. Ct.*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); *Buckwalter v. Eighth Jud. Dist. Ct.*, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010) (noting that "[n]ormally this court will not entertain a writ petition challenging the denial of a motion to dismiss"). Although the rule is 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 established the district court manifestly abused its discretion.¹ Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Danielle K. Pieper, District Judge
Holland & Hart LLP/Las Vegas
Ranalli Zaniel Fowler & Moran, LLC/Henderson
Christian Morris Trial Attorneys
Eighth District Court Clerk

¹ Petitioner does not raise any argument that the district court acted in excess of its jurisdiction. See NRS 34.320.