

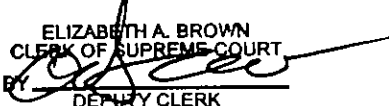
IN THE SUPREME COURT OF THE STATE OF NEVADA

REX BAGLEY,  
Petitioner,  
vs.  
THE THIRD JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF LYON  
AND THE HONORABLE JOHN  
SCHLEGELMILCH,  
Respondents,  
and  
DOLGEN MIDWEST, LLC,  
Real Party in Interest.

No. 90053

**FILED**

FEB 21 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

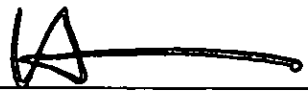
This is an original pro se petition for a writ of mandamus or prohibition challenging a district court order compelling arbitration. This court has original jurisdiction to issue writs of mandamus and prohibition, and the issuance of such extraordinary relief is solely within this court's discretion. See Nev. Const. art. 6, § 4; *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). 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. See *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, and 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 from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

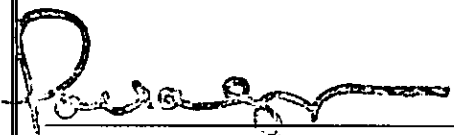
Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. Although no interlocutory appeal is available to challenge an order compelling arbitration, see NRS 38.247(1)(a), “error in ordering arbitration may be reviewed on appeal from the final judgment or order confirming or vacating the award.” *Tallman v. Eighth Jud. Dist. Ct.*, 131 Nev. 713, 718, 359 P.3d 113, 117 (2015). “Thus, the party seeking extraordinary writ relief from an order compelling arbitration still should show why an eventual appeal does not afford a plain, speedy and adequate remedy in the ordinary course of law, and that the matter meets the other criteria for extraordinary writ relief.” *Id.* at 719, 359 P.3d at 117-18 (internal quotation marks and citation omitted). We conclude petitioner has not demonstrated that an appeal from a final judgment would not afford a plain, speedy, and adequate remedy or that the district court’s order otherwise falls within any of the narrow grounds that may warrant writ relief. *See id.*

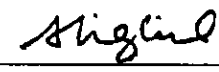
Additionally, it appears that petitioner failed to include in the appendix to the petition several district court filings submitted by real party in interest in the litigation below, further warranting denial of the petition. NRAP 21(a)(4) (petitioner must include all necessary documents essential to understand the matters set forth in the petition).

Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. John Schlegelmilch, District Judge  
Rex Bagley  
Ogletree Deakins Nash Smoak & Stewart P.C./Reno  
Third District Court Clerk