

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BARBER,
Petitioner,
vs.
THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON
AND THE HONORABLE JOHN
SCHLEGELMILCH, DISTRICT JUDGE,
Respondents,
and
JAIME BARBER,
Real Party in Interest.

No. 89997

FILED

MAR 07 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus seeking to compel the district court to enforce a settlement agreement in a probate matter.


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).


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. It is petitioner's responsibility to provide this court with all documents essential to understand the matters set forth in the petition. NRAP 21(a)(4).

Having considered the petition and supporting documents, we are not persuaded that our intervention is warranted. Petitioner has not demonstrated that he lacks a plain, speedy, and adequate remedy by way of an appeal from a subsequent final judgment. *Pan*, 120 Nev. at 224, 88 P.3d at 841. And, problematically, petitioner fails to provide this court with all of the documents necessary to understand the matters set forth in the petition. Accordingly, writ relief is improper, and we

ORDER the petition DENIED.


_____, C. J.
Herndon


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. John Schlegelmilch, District Judge
Patricia C. Halstead
Wayne A. Pederson, P.C.
Third District Court Clerk