

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL GENBERG,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE MARK R.

DENTON, DISTRICT JUDGE,

Respondents,

and


N8 MEDICAL, INC. A NEVADA
CORPORATION D/B/A N8
BIOSCIENCES, INC.; N8 MEDICAL,
LLC, AN OHIO LIMITED LIABILITY
COMPANY; KINNEAR
PHARMACEUTICALS, LLC, AN OHIO
LIMITED LIABILITY COMPANY;
KINNEAR HOLDINGS, LLC, AN OHIO
LIMITED LIABILITY COMPANY; N8
MEDICAL AUSTRALIA PTY LTD, AN
AUSTRALIAN PRIVATE COMPANY;
AND KINNEAR PHARMA AUS PTY
LTD, AN AUSTRALIAN PRIVATE
COMPANY,

Real Parties in Interest.

No. 90297

FILED

JUN 18 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This pro se original petition for writ of mandamus challenges a district court preliminary injunction in a civil matter.

Petitioner Carl Genberg seeks mandamus relief asking this court to vacate a preliminary injunction issued against him. Genberg asserts that such relief is warranted because the district court enjoined his

right to free speech under the Nevada Constitution. Genberg contends that the alleged free speech is based on whistleblower statements he made concerning real party in interest N8 Medical, Inc.'s misrepresentations to a federal agency.

"A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion." *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (footnotes omitted). The consideration of a writ petition is within this court's sole discretion. *State, Dep't of Tax'n v. Eighth Jud. Dist. Ct.*, 136 Nev. 366, 368, 466 P.3d 1281, 1283 (2020). Writ relief is an extraordinary remedy available only in extraordinary circumstances. *Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 819, 407 P.3d 702, 706 (2017).

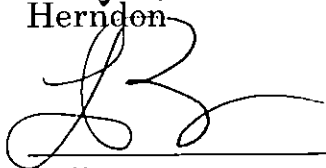
Genberg elected to file this writ petition instead of an appeal. See NRAP 3A(b)(3) (stating that a district court order granting an injunction is an appealable determination). A writ of mandamus is not a substitute for an appeal but is appropriate only when there is no "plain, speedy and adequate remedy in the ordinary course of law." *Archon Corp.*, 133 Nev. At 819, 407 P.3d at 706 (internal quotation marks omitted). Additionally, Genberg's appendix omits relevant documents necessary for this court's review. See *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (observing that it is a party's responsibility to provide an adequate record for this court's review and that when a portion of the record is missing, "we necessarily presume that the missing portion supports the district court's decision"). Thus, without


addressing the merits of the petition, we decline to exercise our original jurisdiction.

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Mark R. Denton, District Judge
Carl Allen Genberg
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk