

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZURICH AMERICAN INSURANCE  
COMPANY; HALLMARK SPECIALTY  
INSURANCE COMPANY; IRONSHORE  
SPECIALTY INSURANCE COMPANY;  
WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY; CRUM &  
FORSTER SPECIALTY INSURANCE  
COMPANY; HDI GLOBAL INSURANCE  
COMPANY; AND MAXUM INDEMNITY  
COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
TIMOTHY C. WILLIAMS, DISTRICT  
JUDGE,

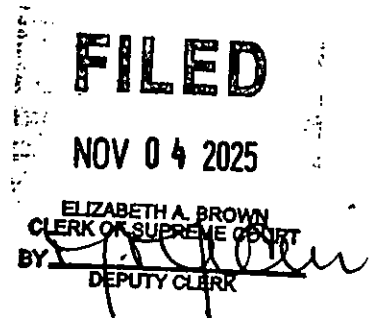
Respondents,

and

BLOOMIN' BRANDS, INC.,

Real Party in Interest.

No. 89236



*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order denying a motion for partial summary judgment in a dispute regarding coverage under a commercial insurance policy. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires 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); NRS 34.160. Writ relief is purely discretionary for this court. *Smith v. Eighth Jud. Dist.*

*Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A plain, speedy, and adequate remedy in the ordinary course of law generally precludes writ relief, NRS 34.170, and the right to appeal from a final judgment is generally an adequate legal remedy. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). This court has discretion to entertain a petition for advisory mandamus, however this requires special care “to avoid subverting the final judgment rule,” which has wise basis in ensuring an efficient justice system. *Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 821, 823-24, 407 P.3d 702, 707, 709 (2017). Thus, writ relief is generally not an appropriate remedy when resolving the writ petition would not resolve the entire controversy. *See Moore v. Eighth Jud. Dist. Ct.*, 96 Nev. 415, 416-17, 610 P.2d 188, 189 (1980).

Petitioners have not demonstrated that our extraordinary intervention is warranted. First, petitioners have a plain, speedy, and adequate remedy in the ordinary course of law in the form of an appeal from a final judgment. NRS 34.170; *Pan*, 120 Nev. at 224, 88 P.3d at 841. Second, we generally decline to consider writ petitions challenging district court orders denying summary judgment or motions to dismiss. *See Starr Surplus Lines Ins. Co. v. Eighth Jud. Dist. Ct.*, 139 Nev. 283, 288, 535 P.3d 254, 259 (2023); *Archon Corp.*, 133 Nev. at 824, 407 P.3d at 709 (explaining that “[a] request for mandamus following the denial of a motion to dismiss presents many of the inefficiencies that adherence to the final judgment rule seeks to prevent”). And petitioners have failed to demonstrate that an exception to the general rule should apply. *See Starr Surplus Lines*, 139 Nev. at 288, 535 P.3d at 259. (“An exception to this policy may apply . . . when a writ petition presents an ‘opportunity to clarify an important issue of law and doing so serves judicial economy.’” (quoting

*Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 106, 506, P.3d 334, 337 (2022))). We applied this exception to the general rule in *Starr Surplus* in anticipation of extensive litigation on the issue, and there has not been an increasing mass of cases that indicate confusion on applying *Starr Surplus*. *Starr Surplus*, 139 Nev. at 288, 535 P.3d at 259-60. Petitioners cite just one case—*Treasure Island, LLC v. Affiliated FM Ins. Co.*, No. 2:20-cv-965-JCM-EJY, 2024 WL 1345212, at \*3 (D. Nev. Mar. 29, 2024)—as “grappl[ing] with the application of [*Starr Surplus*].” Accordingly, there does not appear to be a need to “clarify an important issue of law” which would “serve[ ] judicial economy.” *Starr Surplus*, 139 Nev. at 288, 535 P.3d at 259 (internal quotation marks omitted). Finally, even if we were to entertain the petition and grant the requested relief, the claims relating to denial of coverage under Endorsement 11 would remain and therefore writ relief would not dispose of the entire suit. *See Moore*, 96 Nev. at 416-17, 610 P.2d at 189.

Based on the foregoing, we conclude that extraordinary writ relief is unwarranted and deny the petition, without prejudice to Petitioners’ ability to properly raise these issues on appeal. Accordingly, we

ORDER the petition DENIED.

Pickering, J.  
Pickering

Cadish, J.  
Cadish

Lee, J.  
Lee

cc: Hon. Timothy C. Williams, District Judge  
Clyde & Co US LLP/Las Vegas  
Duane Morris LLP/Las Vegas  
Womble Bond Dickinson (US) LLP/Las Vegas  
Squire Patton Boggs LLP/San Francisco  
Clyde & Co US LLP/Atlanta  
Squire Patton Boggs LLP/Cincinnati  
Clyde & Co US LLP/Chicago  
Hunton Andrews Kurth LLP/Miami  
Hunton Andrews Kurth LLP/Atlanta  
Messner Reeves LLP  
Hunton Andrews Kurth LLP/Wash DC  
Eighth District Court Clerk