

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WABASH NATIONAL CORPORATION,
Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN FOR
THE COUNTY OF CLARK AND THE
HONORABLE SUSAN JOHNSON,
DISTRICT JUDGE,

Respondents,

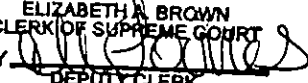
and

DONNALYN VANORMAN-WASANO,
AS SPECIAL ADMINISTRATOR FOR
THE ESTATE OF CLARANISHA
JOHNSON, DECEASED; TIFFANY
BAXTER, INDIVIDUALLY AND AS
HEIR TO THE ESTATE OF
CLARANISHA JOHNSON; AND
GARAHBRIE WESLEY,
Real Parties in Interest.

No. 90241-COA

FILED

NOV 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR MANDAMUS OR PROHIBITION

Wabash National Corporation brings this original petition for a writ of mandamus or, alternatively, prohibition challenging a district court order adopting the discovery commissioner's report and recommendations requiring disclosure of allegedly privileged information in a tort action.

This court has original jurisdiction to issue writs of mandamus and prohibition. *See Nev. Const. art. 6, § 4.* But "[t]he decision to entertain a writ petition lies solely within the discretion of" the appellate courts. *Venetian Casino Resort, LLC v. Eighth Jud. Dist. Ct.*, 136 Nev. 221, 223, 467 P.3d 1, 4 (Ct. App. 2020) (citing *Quinn v. Eighth Jud. Dist. Ct.*, 134

Nev. 25, 28, 410 P.3d 984, 987 (2018)). 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. NRS 34.160; *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981). The counterpart to a writ of mandamus, a writ of prohibition, is available when a district court acts without or in excess of its jurisdiction. NRS 34.320. Petitioner bears the burden of demonstrating that such 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).

Generally, “[d]iscovery matters are within the district court’s sound discretion, and we will not disturb a district court’s ruling regarding discovery unless the court has clearly abused its discretion.” *Club Vista Fin. Servs., LLC v. Eighth Jud. Dist. Ct.*, 128 Nev. 224, 226, 276 P.3d 246, 249 (2012). Thus, we do not typically exercise our discretion to review discovery orders through writ petitions “unless the challenged discovery order is one that is likely to cause irreparable harm, such as a blanket discovery order, issued without regard to the relevance of the information sought, or an order that requires disclosure of privileged information.” *Id.* (citing *Hetter v. Eighth Jud. Dist. Ct.*, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994)); *see also Wynn Resorts, Ltd. v. Eighth Jud. Dist. Ct.*, 133 Nev. 369, 374, 399 P.3d 334, 341 (2017) (holding that writ petitions challenging the disclosure of privileged information are reviewable when “a later appeal would not remedy any improper disclosure of the information”).


Writ relief is also appropriate to clarify an important issue of law as it relates to the scope of a discovery order, such as the parameters of an asserted privilege. *See Canarelli v. Eighth Jud. Dist. Ct.*, 136 Nev. 247,

250-51, 464 P.3d 114, 119 (2020) (entertaining a petition for writ of prohibition to clarify whether Nevada recognized the petitioner's asserted exception to the attorney-client privilege); *see also Seibel v. Eighth Jud. Dist. Ct.*, 138 Nev. 753, 755, 520 P.3d 350, 353 (2022) (entertaining a petition because a writ was the "appropriate remedy to correct an order that compels disclosure of privileged information" (quoting *Las Vegas Dev. Assocs., LLC v. Eighth Jud. Dist. Ct.*, 130 Nev. 334, 338, 325 P.3d 1259, 1262 (2014))).

Although this petition raises discovery issues similar to those cited in the foregoing cases, after considering the briefing on the petition, the interim grant of summary judgment in petitioner's favor, and the responses to the order to show cause regarding summary judgment, we conclude that petitioner has not met its burden of demonstrating that our intervention by way of extraordinary relief is warranted *at this time*. *See generally Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 824, 407 P.3d 702, 709 (2017) (explaining that advisory mandamus "must be issued sparingly and thoughtfully due to its disruptive nature"). Accordingly, we order the petition denied.

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Dickinson Wright PLLC/Reno
Christian Morris Trial Attorneys
Richard Harris Law Firm
Eighth District Court Clerk