

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE RICH AND JAKE SHARP,
Petitioners,

vs.

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

Respondents,

and

FORUM SHOPS, LLC,
Real Party in Interest.

No. 91645

FILED

JAN 23 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER DENYING PETITION
WITHOUT PREJUDICE*

This is an original petition for a writ of prohibition and/or mandamus seeking to compel the district court to vacate its order denying petitioners' motion to dismiss and to dismiss real party in interest's claims.

As an initial matter, this original petition for a writ of mandamus indicates that attorneys Nicholas V. Merkley, Brooks A. Richardson, and Gerard M. D'Emelio of the Oklahoma law firm Gablegotwals, are pro hac vice counsel for petitioner. As this is an original writ proceeding, these attorneys must file SCR 42 motions with this court before making an appearance or filing documents in this court. Accordingly, we direct the clerk of this court to remove Mr. Merkely, Mr. Richardson, and Mr. D'Emelio from the docket.

26-03466

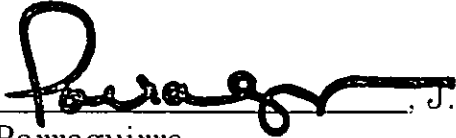
The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining 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).

As a general rule, “judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment.” *State ex rel. Dep’t of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), *as modified by State v. Eighth Jud. Dist. Ct.*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); *Buckwalter v. Eighth Jud. Dist. Ct.*, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010) (noting that “[n]ormally this court will not entertain a writ petition challenging the denial of a motion to dismiss”). Although the rule is not absolute, *see Int’l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioners have not established that the issue presented by the petition would not benefit from further legal and factual development in the district court.

Interlocutory review by extraordinary writ is not warranted in this case at this time. For these reasons, we

ORDER the petition DENIED without prejudice.¹


_____, C.J.
Herndon


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Mark Denton, District Judge
Resnick & Louis, P.C./Las Vegas
Dentons Durham Jones Pinegar P.C./ Las Vegas
Eighth District Court Clerk

¹Given our disposition of this matter, petitioners' motion for a stay filed on December 12, 2025, is denied without prejudice.

Real parties in interest have filed a motion for leave to file certain exhibits and portions of the brief under seal on the basis that the parties entered into a stipulated protective order restricting "Confidential Information or Highly Confidential Information" to not be filed publicly with the court unless such documents or materials be filed under seal. Having reviewed the motion and supporting documents, the motion is granted. SRCR 3(4)(h); SRCR 7. The clerk of this court shall file the opposition to motion for discovery stay received on January 7, 2026, under seal.