



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DESERT CAB, LLC,
Petitioner,

vs.

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

Respondents,

and

JEIMI KAREN RAINS,
Real Party in Interest.

No. 92692-COA

ORDER DENYING PETITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order adopting a discovery commissioner's report and recommendations in a torts matter. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, NRS 34.160, 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). A writ of prohibition arrests the proceedings of a tribunal that is acting in excess of, or without, jurisdiction. NRS 34.320. The decision to entertain a petition for extraordinary writ relief is within our sole discretion, and the petitioner has the burden of demonstrating that such relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the petition and the supporting documents, we conclude that petitioner has not carried its burden of demonstrating that extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.

A handwritten signature in black ink, appearing to be 'Bulla', with a long horizontal stroke extending to the right.

Bulla, C.J.

A handwritten signature in black ink, appearing to be 'Gibbons', with a stylized, cursive script.

Gibbons, J.

A handwritten signature in black ink, appearing to be 'Westbrook', with a cursive script.

Westbrook, J.

cc: Hon. Eric Johnson, District Judge
Hutchison & Steffen, LLC/Las Vegas
Michael T. Hua Law
Eighth District Court Clerk