



IN THE SUPREME COURT OF THE STATE OF NEVADA

MSG LV CONSTRUCTION, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; AND MSG LAS VEGAS,
LLC, A DELAWARE LIMITED
LIABILITY COMPANY,

Petitioners,

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,
DEPT. XIII,

Respondents,

and

BOMBARD ELECTRIC, LLC; DESERT
FIRE PROTECTION, L.P.; LONE
MOUNTAIN EXCAVATION &
UTILITIES, LLC; PERFORMANCE
CONTRACTING, INC.; REXEL USA
INC.; TRIMARK USA, LLC; PEC
SOLUTIONS, LLC D/B/A ARCHKEY
TECHNOLOGIES; HARRIS LAS VEGAS
LLC; SOUTHWEST STEEL, LLC; W&W-
AFCO STEEL LLC; ROSENDIN
ELECTRIC, INC.; AND
BRANDSAFWAY SERVICES, LLC,
Real Parties in Interest.

No. 90739

ORDER DENYING PETITION

This is an original petition for a writ of prohibition or mandamus challenging a district court order consolidating arbitration proceedings.

Our decision to issue writ relief is discretionary. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A writ

of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary and capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. NRS 34.320; *Smith*, 107 Nev. at 677, 818 P.2d at 851.

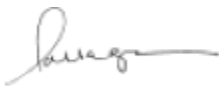
Writ relief will not issue when the parties have a "plain, speedy, and adequate remedy at law." NRS 134.170; *Smith*, 107 Nev. at 677, 818 P.2d at 851. "Petitioners carry the burden of demonstrating that extraordinary relief is warranted." *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

The instant petition follows a district court order consolidating multiple individual arbitration proceedings. Here, the district court issued a provisional remedy under NRS 38.222 prior to the appointment of an arbitrator. Because the order is only a provisional remedy, which can be re-evaluated by an R-7 arbitrator at the parties' request, the petitioners have not carried their burden of demonstrating that they do not have an adequate remedy at law. Thus, our extraordinary intervention is not warranted. Accordingly, we

ORDER the petition DENIED.



Pickering, J.



Parraguirre, J.



Bell, J.

cc: Hon. Mark R. Denton, District Judge
Pisanelli Bice, PLLC
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Williams Starbuck
Holland & Hart LLP/Las Vegas
Dentons Durham Jones Pinegar P.C./ Las Vegas
Peel Brimley LLP/Henderson
Eighth District Court Clerk