

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMIAH G. BROUHARD,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
SCOTT JORDAN, DISTRICT JUDGE,
FAMILY COURT DIVISION,

Respondents,

and

DANIELLE BROUHARD, N/K/A
DANIELLE DEAN,
Real Party in Interest.

No. 43534

FILED

SEP 15 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CLERK DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order denying an unopposed motion for the appointment of a guardian ad litem, or alternatively a counselor, on behalf of the minor child in an underlying child custody case.

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,¹ or to control an arbitrary or capricious exercise of discretion.² A writ may be issued only where "there is not a plain, speedy and adequate


¹NRS 34.160; see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).


²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


remedy in the ordinary course of law."³ The issuance of a writ "is purely discretionary" with this court.⁴

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.⁵

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Scott Jordan, District Judge, Family Court Division
David R. Ford
Danielle Dean
Washoe District Court Clerk

³NRS 34.170; see also Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998) (recognizing that an appeal is an adequate legal remedy), abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).

⁴Smith, 107 Nev. at 677, 818 P.2d at 851.

⁵See NRAP 21(b).