

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUCKEE CARSON IRRIGATION
DISTRICT, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,
Petitioner,

vs.

THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON;
AND THE HONORABLE MIRIAM
SHEARING, SENIOR JUSTICE,
Respondents,

and

STEVEN REYNOLDS, AN
INDIVIDUAL; KENNETH ("MIKE")
WILLAMAN, AN INDIVIDUAL;
MICHAEL MORGAN, AN INDIVIDUAL;
JASON HUKILL, AN INDIVIDUAL;
ALICIA UHOUSE, AN INDIVIDUAL;
DOTTIE G. SHOWS, AN INDIVIDUAL;
ELIZABETH TEIMERS, AN
INDIVIDUAL; WALTER KARATYZ, JR.,
AN INDIVIDUAL; GARY R. DETRICK,
AN INDIVIDUAL; HOLLY J.
MCMANUS, AN INDIVIDUAL; LEWIS
C. KINNICK, AN INDIVIDUAL; AND
LOUIE A. ALLEN, JR., AN
INDIVIDUAL, ON BEHALF OF
THEMSELVES AND ALL THOSE
SIMILARLY SITUATED,
Real Parties in Interest.

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No. 60208

FILED

MAY 11 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Indorsal*
DEPUTY CLERK

No. 60209

SHEARING, SENIOR JUSTICE,
Respondents,
and
STEVEN REYNOLDS, AN
INDIVIDUAL; KENNETH ("MIKE")
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ALICIA UHOUSE, AN INDIVIDUAL;
DOTTIE G. SHOWS, AN INDIVIDUAL;
ELIZABETH TEIMERS, AN
INDIVIDUAL; WALTER KARATYZ, JR.,

No. 60276

AN INDIVIDUAL; GARY R. DETRICK,
AN INDIVIDUAL; HOLLY J.
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Real Parties in Interest.

No. 60279

TRUCKEE CARSON IRRIGATION
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SUBDIVISION OF THE STATE OF
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ORDER DENYING PETITIONS
FOR WRITS OF MANDAMUS OR PROHIBITION

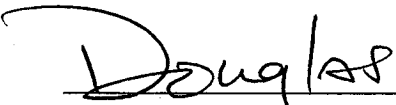
These are six petitions for writs of mandamus or prohibition arising from the same underlying district court action. The petitions have not been consolidated.

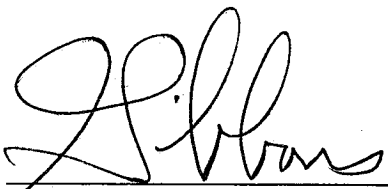
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. NRS

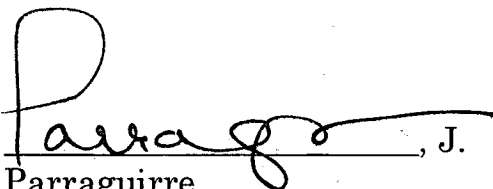
34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition is available to arrest the proceedings of any tribunal acting in excess of its jurisdiction. NRS 34.320. Whether a petition for extraordinary relief will be considered is purely discretionary with this court. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Additionally, it is petitioner's burden to demonstrate that this court's extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. Moreover, this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

Here, trial of the underlying action is set to begin in June 2012 and, once trial has concluded, petitioner, if aggrieved by the final judgment entered following trial, may appeal from that judgment. Accordingly, we conclude that petitioner has a speedy and adequate legal remedy precluding writ relief, id. at 224, 88 P.3d at 841, and we therefore deny the petitions. NRAP 21(b)(1),

It is so ORDERED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

¹In light of this order, we deny as moot the motions for stay pending in each of these petitions.

cc: Chief Judge, Third Judicial District Court
Hon. Miriam Shearing, Senior Justice
Silvestri Gidvani, P.C.
The Doyle Firm, P.C.
Calvin R.X. Dunlap and Associates
Leverty & Associates
Robert C. Maddox & Associates/Reno
Lyon County Clerk