

IN THE SUPREME COURT OF THE STATE OF NEVADA

FOOTHILL PROPERTIES, INC., A
NEVADA CORPORATION D/B/A/
SUNSET SANDS PLAZA,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,
Respondents,

and

VOLETTA IRELAND, INDIVIDUALLY,
AND AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF BRANDON D.
GAHAGAN; SAYEGH, LLC, A NEVADA
LIMITED LIABILITY COMPANY D/B/A
OLIVE MEDITERRANEAN GRILL &
HOOKAH LOUNGE; AND CARLOS
ORELLANA, AN INDIVIDUAL,
Real Parties in Interest.

No. 64213

FILED

MAR 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting in part and denying in part a motion for partial summary judgment and denying a motion to join an indispensable party in a tort action.

A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for mandamus relief will be considered is purely discretionary with this court. *Smith v. Eighth Judicial Dist. Court*, 107

Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Moreover, this court has held that the right to appeal is typically an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. *Humphries v. Eighth Judicial Dist. Court*, 129 Nev. ___, ___, 312 P.3d 484, 491 (2013); *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.

J. Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Nancy L. Allf, District Judge
Olson, Cannon, Gormley, Angulo & Stoberski
Carlos Orellana
Drummond & Nelson
Law Office of Daniel S. Simon
Perry & Westbrook, P.C.
Eighth District Court Clerk