

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW MEDOFF, AN
INDIVIDUAL; AND CLARK COUNTY
DEPUTY MARSHALS ASSOCIATION,
A LOCAL GOVERNMENT EMPLOYEE
ORGANIZATION,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND HEARING MASTER
DAVID S. GIBSON, JR.,
Respondents.¹

No. 72190

FILED

JAN 27 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING EMERGENCY PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This is an original emergency petition for a writ of mandamus or prohibition challenging a decision to assign a mediator to preside over petitioner Matthew Medoff's post-termination hearing.

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. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). And we may issue a writ of prohibition to arrest the proceedings of a tribunal exercising its judicial functions when such proceedings are in excess of the tribunal's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107


¹As Clark County was not named as a party in the writ petition, we direct the clerk of the court to conform the caption on the docket to the caption on this order.

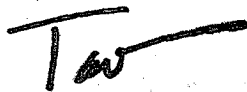
Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is typically not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Moreover, whether to consider a writ petition is within this court's discretion. See *Smith*, 107 Nev. at 677, 818 P.2d at 851. And petitioners bear the burden of demonstrating that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Having considered the petition and appendix, we conclude that petitioners have not met their burden of demonstrating that extraordinary relief is warranted in this matter, as they have not shown that they lack an adequate legal remedy. See NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *Pan*, 120 Nev. at 228, 88 P.3d at 844. In this regard, petitioners assert only that they cannot directly appeal any decision from the post-termination hearing, but they do not address why they would not be able to seek relief from such a decision in the district court or why they would not be able to appeal any adverse decision by the district court.

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Law Office of Daniel Marks
Andres Moses
Eighth District Court Clerk