

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STRONGER DONNER, LLC, A
NEVADA LIMITED LIABILITY
COMPANY, UPON INFORMATION
AND BELIEF, D/B/A L'ORACLE LAS
VEGAS AND LAS VEGAS
GYMNASTICS, CIRCUS AND FITNESS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JAMES CROCKETT, DISTRICT
JUDGE,

Respondents,

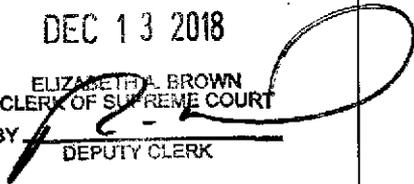
and

JASON LAM, AN INDIVIDUAL;
SOUTHERN WEAVING COMPANY, A
NORTH CAROLINA CORPORATION;
AND CUSTOM BUILT EQUIPMENT,
INC., AN OHIO CORPORATION,
Real Parties in Interest.

No. 76438-COA

FILED

DEC 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  -
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS*

This is an original petition for a writ of mandamus challenging the denial of a summary judgment motion in a products liability and personal injury action.

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). This court has discretion as to whether

to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears 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 filed in this matter, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. *Id.* Accordingly, we deny the petition. *See* NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Crockett, District Judge
Lincoln, Gustafson & Cercos
Heness & Haight
Law Offices of Elizabeth R. Mikesell
Panish Shea & Boyle, LLP
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Law Offices of Kenneth E. Goates
Eighth District Court Clerk