

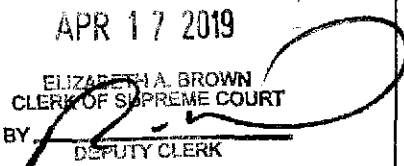
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY L. BARNEY, LTD.,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; THE HONORABLE  
ELIZABETH GOFF GONZALEZ,  
DISTRICT JUDGE; THE HONORABLE  
VINCENT OCHOA, DISTRICT JUDGE;  
THE HONORABLE GLORIA  
STURMAN, DISTRICT JUDGE; AND  
THE HONORABLE WILLIAM S.  
POTTER, DISTRICT JUDGE,  
Respondents,  
and  
IN RE GUARDIANSHIP OF GARRETT  
DOSCH; IN THE MATTER OF THE  
MCGUIRE FAMILY TRUST; AND IN  
THE MATTER OF THE  
GUARDIANSHIP OF GIULIAN  
GRASSO, PROTECTED PERSON,  
Real Parties in Interest.

No. 77614-COA

**FILED**

APR 17 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges various district court decisions.

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).


In *Anthony L. Barney, LTD. v. Eighth Judicial Dist. Court*, Docket No. 76090, this court denied a prior petition from petitioner based on its failure to comply with NRAP 21(a)(4) by providing an appendix that includes “all materials that are essential to understand the matters set forth in the petition.” *Barney*, Docket No. 76090 (Order Denying Petition for Writ of Mandamus, September 14, 2018) (internal quotation marks omitted). Nevertheless, petitioner refiled this petition and once again failed to support it with a copy of the recusal order challenged therein.<sup>1</sup> And while petitioner added an additional request for relief to his petition regarding an order that was stricken in one district court case and refiled in another district court case, it did not provide this court with a copy of that order, the order striking it in the first district court case, or any of the related motion practice in the second district court case. Under these circumstances, petitioner has again failed to meet its burden of demonstrating that this court’s intervention by way of extraordinary writ relief is warranted. *See* NRAP 21(a)(4); *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we deny


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<sup>1</sup>Instead, petitioner attempted to place the burden of requesting a copy of the recusal order on this court, despite the language in our decision in Docket No. 76090 noting petitioner’s failure to provide the recusal order and NRAP 21(a)(4)’s requirement that petitioner include a copy of the order that it is challenging in its appendix.

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.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Hon. Vincent Ochoa, District Judge  
Hon. Gloria Sturman, District Judge  
Hon. William S. Potter, District Judge, Family Court Division  
Anthony L. Barney, Ltd.  
Cary Colt Payne  
Solomon Dwiggins & Freer, Ltd.  
Goldsmith & Guymon, P.C.  
Dickinson Wright PLLC  
Legal Aid Center of Southern Nevada, Inc.  
Eighth District Court Clerk