

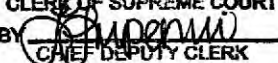
IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN STATES CONTRACTING,
INC.,
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
JOHN BLAIR,
Real Party in Interest.

No. 80891

FILED

APR 15 2020

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

*ORDER DENYING PETITION FOR A WRIT OF MANDAMUS AND A
WRIT OF PROHIBITION*

This is an original petition for a writ of mandamus and prohibition challenging a district court order granting partial summary judgment and a district court order denying a motion for reconsideration.

A writ of mandamus “is available to compel performance of an act that the law requires as a duty resulting from an ‘office, trust or station’ or to control a manifest abuse of, or an arbitrary or capricious exercise of, discretion.” *See Cheung v. Dist. Court*, 121 Nev. 867, 868-69, 124 P.3d 550, 552 (2005) quoting NRS 34.160. The counterpart to a writ of mandate, a writ of prohibition, is available when a district court acts without or in excess of its jurisdiction. *See State of Nev. v. Dist. Court (Anzalone)*, 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). Although the rule is not absolute, *see Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), generally, neither writ will issue when

petitioner has a “plain, speedy, and adequate legal remedy in the ordinary course of law.” *Gumm v. State, Dep’t of Education*, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005). It is petitioner’s burden to demonstrate that extraordinary relief is warranted. *Pan v. Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Petitioner has not established that an eventual appeal does not afford an adequate legal remedy. NRS 34.170. We therefore conclude that interlocutory review by extraordinary writ is not warranted in this case. For these reasons, we

ORDER the petition DENIED.

 Pickering , C.J.
Pickering

 Hardesty , J.
Hardesty

 Cadish , J.
Cadish

cc: Hon. James Crockett, District Judge
Resnick & Louis, P.C./Las Vegas
The Paul Powell Law Firm
Eighth District Court Clerk