

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PHILIP DAVID, D/B/A PHILIP DAVID  
DACE,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE RENA  
G. HUGHES, DISTRICT JUDGE,  
Respondents,  
and  
MELVIN GRIMES; AND ROBIN LYNN  
HAMER,  
Real Parties in Interest.

No. 82137-COA

**FILED**

**DEC 23 2020**

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original, pro se petition for a writ of mandamus challenges the district court's refusal to hear petitioner's motion for return of child on an expedited basis, among other things. Real party in interest has timely filed an answer, as directed, and petitioner has filed a timely reply.

Having reviewed the parties' arguments and supporting documents,<sup>1</sup> we conclude that our extraordinary intervention is not warranted at this time. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev.


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<sup>1</sup>As petitioner did not seek or obtain permission to file video exhibits, NRAP 21(4) & 30, and as those exhibits are not necessary to our review of this matter, *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact"), we direct the clerk of this court to return, unfiled, the video exhibits provisionally received in this court on December 7, 2020.

222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). The district court has scheduled a hearing on real party in interest's emergency motion to modify custody for January 12, 2021, at which time the court will be able to consider petitioner's concerns and the parties' custody arrangements. Given the length of time that this emergency matter has already been pending, we are confident that the district court will undertake appropriate efforts to ensure that the matter is heard as scheduled or as promptly thereafter as possible, and award petitioner any make-up parenting time as warranted. Nor is any other matter raised in the petition appropriate for extraordinary writ relief. NRS 34.160. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Gibbons

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

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

cc: Hon. Rena G. Hughes, District Judge, Family Court Division  
Philip David  
The Grimes Law Office  
Robin Lynn Hamer  
Eighth District Court Clerk