

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MELISSA JEANINE STONE, N/K/A  
MELISSA JEANINE FINCH,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GERALD W. HARDCASTLE, SENIOR  
DISTRICT JUDGE,

Respondents,

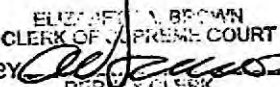
and

STEVEN PAUL STONE,  
Real Party in Interest.

No. 82668-COA

FILED

MAR 29 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

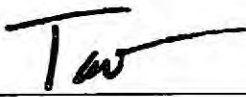
This original petition for a writ of mandamus or prohibition challenges a district court order refusing to continue an evidentiary hearing.

Having reviewed the petition and supporting documents, we conclude that our extraordinary intervention is not warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 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 the appellate court has sole discretion in determining whether to entertain a writ petition). Whether to continue a hearing is within the district court's discretion, *Bongiovi v. Sullivan*, 122 Nev. 556, 570, 138 P.3d 433, 444 (2006), and although petitioner has

demonstrated challenging circumstances that might justify a short continuance of the proceedings, petitioner has not demonstrated a manifest abuse of the district court's discretion, *see Walker v. Second Judicial Dist. Court*, 136 Nev., Adv. Op. 80, 476 P.3d 1194, 1196 (2020) (explaining that mandamus is appropriate to remedy only a manifest abuse of discretion). Nor has petitioner demonstrated that the district court is acting without or in excess of its jurisdiction, or that a subsequent appeal is an inadequate remedy, such that prohibition is warranted. *See* NRS 34.320. Accordingly, we

ORDER the petition DENIED.

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

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

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

cc: Chief Judge, The Eighth Judicial District Court  
Hon. Gerald W. Hardcastle, Senior Judge  
Douglas Crawford Law  
Roberts Stoffel Family Law Group  
Eighth District Court Clerk