

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANGELO TAN,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
VERONICA BARISICH, DISTRICT  
JUDGE,  
Respondents,  
and  
JANE DOE,  
Real Party in Interest.

No. 84272-COA

**FILED**

SEP 13 2022

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS,  
OR IN THE ALTERNATIVE, WRIT OF PROHIBITION*

Angelo Tan's original petition for a writ of mandamus or prohibition challenges the district court's refusal to dismiss real party in interest's complaint for her failure to abide by NRCPC 4(a)(1)(A), NRCPC 10(a), and NRCPC 12(b)(5). Specifically, Tan challenges real party in interest's failure to sue in her actual name instead of the pseudonym Jane Doe, thereby purportedly invalidating her complaint and service of process and divesting the district court of jurisdiction to decide the case on its merits.

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 a manifest abuse of discretion. NRS 34.160; *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of prohibition may be warranted when a district court acts

without or in excess of its jurisdiction. NRS 34.320; *Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012). Mandamus and prohibition will not issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; 34.330.

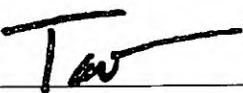
Mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within our discretion. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of the documents before us, we conclude petitioner has not demonstrated that the district court failed to perform an act that the law required or manifestly abused its discretion, such that mandamus relief is warranted, NRS 34.160; *Round Hill*, 97 Nev. at 603-04, 637 P.2d at 536, or that the court acted in excess of its jurisdiction so that a writ of prohibition is available, NRS 34.320; *Club Vista*, 128 Nev. at 228, 276 P.3d at 249. *See also, e.g., Does v. Advanced Textile Corp.*, 214 F.3d 1058, 1068-69 (9<sup>th</sup> Cir. 2000) (providing that a plaintiff may bring suit under a pseudonym where necessary to protect the safety of a person or protect the person from "harassment, injury, ridicule, or personal embarrassment" so long as the need for anonymity outweighs any prejudice to the opposing party and the public's interest in knowing the party's identity, and further emphasizing that courts should evaluate the need for anonymity during

every phase of the proceeding).<sup>1</sup> Accordingly, we deny the petition. See *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

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

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

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

cc: Hon. Veronica Barisich, District Judge  
Smith Legal Group  
Aisen Gill & Associates LLP  
Kang & Associates PLLC  
Eighth District Court Clerk

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<sup>1</sup>FRCP 10(a), which the United States Court of Appeals for the Ninth Circuit addressed in allowing the plaintiff in *Advanced Textile* to file suit using a pseudonym, is largely identical to NRCP 10(a). See *Venetian Casino Resort, LLC v. Eighth Judicial Dist. Court*, 136 Nev. 221, 225 n.7, 467 P.3d 1, 5 n.7 (Ct. App. 2020) (stating that “federal decisions involving the Federal Rules of Civil Procedure provide persuasive authority for Nevada appellate courts considering the Nevada Rules of Civil Procedure” (internal quotations omitted)).