

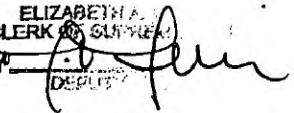
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BROWN, JR.,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JACQUELINE M. BLUTH, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 85669

FILED

NOV 30 2022

ELIZABETH A.  
CLERK OF SUPREME  
BY   
DEPUTY

*ORDER DENYING PETITION*

This original petition for a writ of mandamus or, in the alternative, prohibition challenges the district court's order granting the State's motion for depositions.

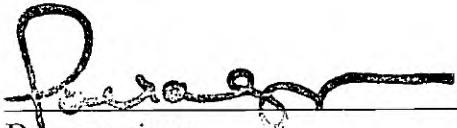
A writ is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioner bears the burden to show that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

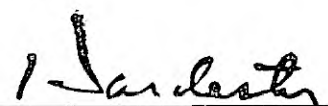
A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion." *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *see* NRS 34.160. A writ of mandamus is proper only when there is no plain, speedy, and adequate remedy at law. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

A writ of prohibition “arrests the proceedings of any tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.” NRS 34.320; *Smith*, 107 Nev. at 677, 818 P.2d at 851.

Having considered the petition and documents submitted in support thereof, we are not persuaded that our extraordinary intervention is warranted. Petitioner has not demonstrated that the district court failed to perform an act the law requires or arbitrarily or capriciously abused its discretion, *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558, nor has he demonstrated that the district court acted in excess of its jurisdiction, NRS 34.320. Additionally, petitioner has not demonstrated that he lacks an adequate remedy at law in the form of an appeal from any subsequent judgment. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Stiglich

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<sup>1</sup>While the caption to petitioner’s petition states that the document contains a “motion for stay of deposition,” the only such relief requested in the petition is a single sentence requesting that this court grant a stay of the taking of depositions until the matter has been resolved. Due to our disposition in this matter, the motion is denied.

cc: Hon. Jacqueline M. Bluth, District Judge  
C W Patrick Law PLLC  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk