

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAGDALENA OCASIO,

Petitioner,

vs.

THE HONORABLE DAWN THRONE,
DISTRICT JUDGE; AND THE EIGHTH
JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK,

Respondents,

and


JONATHAN JORDAN WIRSZ,

Real Party in Interest.

No. 86375-COA

FILED

APR 18 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

This emergency petition for a writ of mandamus or prohibition challenges an April 6, 2023, district court order granting a protective order and quashing proposed subpoenas in a child custody matter.

Whether to issue extraordinary writ relief is solely within this court's discretion, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and it is petitioner's burden to demonstrate that such relief is warranted, *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having reviewed the documents before us, we decline to intervene. The custody hearing is scheduled to take place soon, and petitioner, if aggrieved by the district court's decision on the motions to modify custody, may appeal and raise the issues set forth in the writ petition. *Pan*, 120 Nev. at 224, 88 P.3d at 841 ("[T]he right to appeal is generally an adequate legal remedy that precludes writ relief."), see NRS 34.170; NRS 34.330; *Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev.

816, 819, 407 P.3d 702, 706 (2017) (recognizing that “[a] writ of mandamus is not a substitute for an appeal,” but rather, writ should be used sparingly, “for extraordinary causes”). Further, we are not persuaded that this matter presents an exception to the general rule against considering writ petitions challenging discovery orders. *See Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. 167, 171, 252 P.3d 676, 678 (2011) (“[E]xtraordinary writs are generally not available to review discovery orders.”). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Dawn Throne, District Judge, Family Court Division
Jones & LoBello
The Jimmerson Law Firm, P.C
Eighth District Court Clerk