

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH CHARLES SMALL, A/K/A
KEN SMALL, AN INDIVIDUAL; SSA
ARCHITECTURE; AND SMALL
STUDIO ASSOCIATES, LLC, A
NEVADA LIMITED LIABILITY
COMPANY

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CHRISTY L. CRAIG, DISTRICT JUDGE,
Respondents,

and

SPRING MOUNTAIN, LLC, A
WYOMING LIMITED LIABILITY
COMPANY,
Real Party in Interest.

No. 85518-COA

FILED

MAY 08 2023

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 that, among other things, granted a motion to continue the trial and allowed real party in interest to seek special damages at trial.

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 an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to

arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Mandamus and prohibition are extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered. *Id.* Petitioners bear the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841.

Based on our review of the documents before us, we conclude petitioners have not demonstrated that our extraordinary intervention is warranted. *Id.* at 228, 88 P.3d at 844. Notably, petitioners have a speedy and adequate remedy available in the form of an appeal, if they are aggrieved by the final judgment entered in the underlying case. *Id.* at 224, 88 P.3d at 841. Accordingly, we deny the petition.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Christy L. Craig, District Judge
Brandon L. Phillips, Attorney at Law, PLLC
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk