

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT R. PILKINGTON; AND
DENISE L. PILKINGTON,
Petitioners,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
AND THE HONORABLE KIMBERLY A.
WANKER, DISTRICT JUDGE,

Respondents,

and

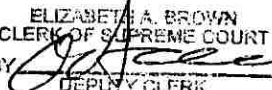
HUNTER LIGGETT; JILL RENE
STYNDIA; JANET E. LENK COHEN;
CARIN LENK SLOANE; KRISTIN
NOEL LENK PFEIFER; AND GINGER
SIMPSON,

Real Parties in Interest.

No. 86343-COA

FILED

MAY 30 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 a writ of prohibition challenges, among other things, the district court's denial of petitioners' motion to disqualify the district court judge.

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 probation 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).

Based on our review of the documents before us, we conclude petitioners have not demonstrated that our extraordinary intervention is warranted. *Id.* at 224, 88 P.3d at 844. Accordingly, we deny the petition.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Kimberly A. Wanker, District Judge
Denise L. Pilkington
Robert R. Pilkington
Anthony L. Barney, Ltd.
Erickson Thorpe & Swainston, Ltd.
Roland Law Firm
Law Office of Sean M. Tanko, Ltd.
Nye County Clerk