IN THE SUPREME COURT OF THE STATE OF NEVADA

SHUMWAY VAN, LLC,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE TIMOTHY C. WILLIAMS, DISTRICT JUDGE,
Respondents,
and
DAYCO FUNDING CORPORATION,
Real Party in Interest.

No. 88967

FILED

APR 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DENYING PETITION

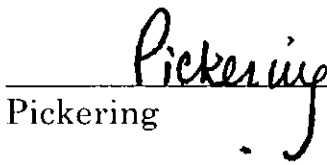
This original petition for a writ of mandamus challenges a district court order imposing discovery sanctions pursuant to NRCP 37(b).

Having reviewed the petition and supporting documentation, we are not convinced that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that petitioner bears the burden to demonstrate that extraordinary relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Petitioner was sanctioned as a party to the underlying action and therefore has the right to appeal from the final judgment, which can include a challenge to the order imposing sanctions. *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (acknowledging the

ability to challenge interlocutory orders in the context of an appeal from the final judgment). We have consistently held that an appeal typically affords an adequate legal remedy, precluding writ relief. *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 474, 168 P.3d 731, 736 (2007) ("The right . . . to appeal in the future, after a final judgment is ultimately entered, will generally constitute an adequate and speedy legal remedy precluding writ relief."); *see* NRS 34.170; *cf. Watson Rounds, P.C. v. Eighth Jud. Dist. Ct.*, 131 Nev. 783, 786-87, 358 P.3d 228, 231 (2015) (entertaining writ relief on the ground that "[s]anctioned attorneys do not have standing to appeal because they are not parties in the underlying action"). Moreover, petitioner has failed to demonstrate that paying the monetary sanction would impede its ability to defend itself. *See Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 211 (1999) (Kennedy, J., concurring) (observing—in the context of considering whether an immediate appeal was available under the federal collateral order doctrine—that a petition for writ of mandamus may be appropriate if imposing the sanction would result in exceptional hardship likely to cause an injustice). Under these circumstances, interlocutory review of an order for discovery sanctions is not warranted. *See* 15B Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, Fed. Prac. and Proc. § 3914.23 (2d ed. 2024) (observing that it is "well settled that appeal cannot be taken from an order imposing a monetary sanction, even if the sanction is immediately enforceable"); *see Cunningham*, 527 U.S. at 208 (observing that permitting an immediate appeal from a discovery sanctions order "would undermine the very purposes of Rule 37(a), which was designed to protect courts and opposing parties from delaying or harassing tactics during the discovery process").

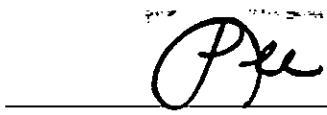
Accordingly, as petitioner has an adequate and speedy legal remedy precluding writ relief, we

ORDER the petition DENIED.



_____, J.
Pickering

_____, J.
Cadish



_____, J.
Lee

cc: Hon. Timothy C. Williams, District Judge
Pisanelli Bice, PLLC
Knight & Ryan, PLLC
Kemp Jones, LLP
Viloria, Oliphant, Oster & Aman L.L.P.
Katrina Stark
Claggett & Sykes Law Firm
Eighth District Court Clerk