

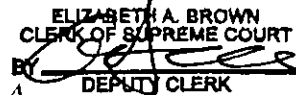
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDREW J. AREVALO,
Petitioner,
vs.
REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS AND
INDUSTRY, STATE OF NEVADA,
Respondent.

No. 90605-COA

FILED

JUL 18 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER DENYING PETITION FOR A
WRIT OF MANDAMUS OR PROHIBITION*


This original petition for a writ of mandamus or prohibition challenges the denial of a request for a continuance of a May 12, 2025, hearing before the Nevada Real Estate Commission. This court previously entered a temporary stay of the underlying proceedings and directed briefing on May 12, 2025. That order also stated that, if the parties believed the petition to be moot based on the granting of the temporary stay, to so inform this court. In response to that order, respondent filed a motion to dismiss asking this court to find against the issuance of the requested writ, which petitioner opposed.

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 Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition arrests the proceedings of a tribunal that is acting in excess of, or without, jurisdiction. NRS 34.320. The decision as to whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.R. Horton, Inc. v. Eighth Jud. Dist. Ct.*, 123 Nev. 468, 475, 168 P.3d 731, 737 (2007).


Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Here, the relief sought in the petition became moot when this court entered the temporary stay that prevented the May 12 hearing from going forward. *See Degraw v. Eighth Jud. Dist. Ct.*, 134 Nev. 330, 332, 419 P.3d 136, 139 (2018) (providing that this court is to decide actual controversies and that a case presenting a live controversy at the time it is filed may become moot based on subsequent events). And, to the extent the petition sought further relief, such as an award of attorney fees, we conclude that petitioner failed to carry their burden of demonstrating that such relief was warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we conclude that writ relief is not warranted, and we deny the petition.¹

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹In light of this decision we 1) lift the temporary stay entered by this court on May 12, 2025; 2) deny respondent's motion to dismiss the petition; and 3) deny as moot respondent's motion for judicial notice.

cc: Spartacus Law Firm
Attorney General/Carson City
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Eighth District Court Clerk