

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GINA R. DAPRA,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE; AND THE HONORABLE  
LINDA M. GARDNER, SENIOR  
DISTRICT JUDGE, FAMILY COURT  
DIVISION, DEPT 16,  
Respondents,  
and  
SCOTT A. ELKINS,  
Real Party in Interest.

No. 84713-COA

FILED

JUN 17 2022

ELIZABETH A. BROWN  
CLERK OF THE COURT  
BY: *[Signature]*  
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court order granting a protective order concerning a subpoena in a divorce action.

After petitioner Gina R. Dapra and real party in interest Scott A. Elkins reached a partial settlement in the underlying divorce proceedings, the district court entered a decree of divorce fully resolving all issues in the case except for remaining disputes over the parties' personal property. The decree obligated the parties to cooperate in dividing the property and provided that the district court retained jurisdiction over the issue. Dapra later filed and served a notice of subpoena whereby she sought

financial records from Elkins's credit union that she claimed were necessary to determine whether Elkins had purchased any personal property subject to division that he had not disclosed. Elkins objected to the subpoena and sought a protective order on multiple grounds, and the district court set the matter for a hearing. Following the hearing, the district court entered an order granting Elkins's request for a protective order, and Dapra filed the instant writ petition challenging that order.

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). This court has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Moreover, this court generally will not exercise its discretion to consider writ petitions challenging discovery orders. *Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. 167, 171, 252 P.3d 676, 678 (2011). Petitioner bears the burden of demonstrating that

extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

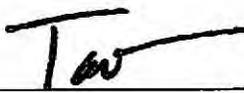
Having reviewed the petition and the documents submitted to this court, we decline to exercise our discretion to consider the petition on its merits, as Dapra has failed to demonstrate that extraordinary relief is warranted. See *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Our supreme court has recognized that “[t]he 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.” *D.R. Horton*, 123 Nev. at 474, 168 P.3d at 736. In arguing that a later appeal from a final judgment resolving the parties’ remaining personal-property issues is not an adequate and speedy legal remedy, petitioner simply points to the fact that the challenged order “causes [her] to be unable to complete discovery to properly adjudicate [the remaining issues].” But we generally decline to review discovery orders in the context of a writ petition unless they are “likely to cause *irreparable* harm,” such as orders allowing blanket discovery without regard to relevance or requiring disclosure of privileged information. *Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012) (emphasis added). And Dapra fails to demonstrate any threat of irreparable harm from the district court’s order—which merely prevents her from obtaining desired documents by subpoena—that an appeal in the



normal course would not adequately address. *See D.R. Horton*, 123 Nev. at 474, 168 P.3d at 736. We therefore deny the petition.<sup>1</sup> *See* NRAP 21(b)(1).

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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<sup>1</sup>To the extent Dapra argues that the district court failed to support its decision to grant a protective order with adequate findings or analysis in accordance with our opinion in *Venetian Casino Resort, LLC v. Eighth Judicial District Court*, 136 Nev. 221, 467 P.3d 1 (Ct. App. 2020), Dapra failed to develop any arguments before the district court concerning that opinion or the factors discussed therein. *See Valley Health*, 127 Nev. at 172-73, 252 P.3d at 679-80 (noting that the appellate courts will generally not consider issues raised for the first time in an original writ petition). And regardless, even assuming the district court's order is deficient under *Venetian*, Dapra still fails to demonstrate that the order presents any threat of irreparable harm warranting extraordinary relief. *Cf. Venetian*, 136 Nev. at 223, 467 P.3d at 4 (concluding writ relief was appropriate because "a later appeal would not effectively remedy any improper disclosure of the Venetian's guests' private information").

cc: Chief Judge, Second Judicial District Court  
Hon. Linda M. Gardner, Senior Judge  
Silverman, Kattelman, Springgate, Chtd.  
Law Offices of Andriea A. Aden, Esq., Chtd.  
Washoe District Court Clerk