

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SCOTLUND VAILE,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
CHERYL MOSS, DISTRICT JUDGE,  
FAMILY COURT DIVISION,

Respondents,

and

CISILIE A. PORSBOLL, F/K/A CISILIE  
A. VAILE,  
Real Party in Interest.

No. 51981

**FILED**

OCT 13 2008

THACIE LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court rulings setting a judgment debtor examination and directing petitioner to attend a show cause hearing regarding his failure to attend the judgment debtor exam.

A writ of mandamus is an extraordinary remedy and it is within our discretion to determine if a petition will be considered.<sup>1</sup> Writ relief generally is not available unless the district court manifestly abused its discretion or exercised its discretion arbitrarily or capriciously.<sup>2</sup> It is

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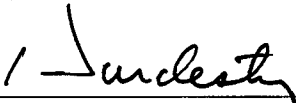
<sup>1</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).


<sup>2</sup>See State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 147, 42 P.3d 233, 237-38 (2002).

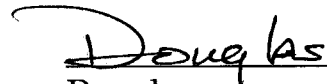
petitioner's burden to demonstrate that our extraordinary intervention is warranted.<sup>3</sup>

In order to demonstrate that extraordinary relief is warranted, petitioner must, under NRAP 21(a), include "copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition." Here, petitioner challenges the district court's authority to compel him to appear for a judgment debtor examination, yet he has not provided this court with a copy of the district court order setting the judgment debtor examination. Petitioner has likewise failed to provide this court with any district court order directing petitioner to appear for a show cause hearing. Accordingly, we conclude that petitioner has failed to meet his NRAP 21(a) burden of demonstrating that extraordinary relief is warranted, and we

ORDER the petition DENIED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

<sup>3</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

<sup>4</sup>In light of this order, we vacate the stay imposed by our July 9, 2008, order. Additionally, we note that our denial of this petition is without prejudice to petitioner's right to challenge the orders at issue in this case by filing a new petition with appropriate supporting documentation. We caution petitioner that any subsequent petition must include copies of any orders challenged in the petition. Petitioner should also include copies of all pleadings relevant to the judgment debtor examination and transcripts of any hearings related to the judgment debtor examination.

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division  
Greta G. Muirhead  
Willick Law Group  
Eighth District Court Clerk