

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 B. MOSS, DISTRICT JUDGE,  
Respondents,  
and  
CISILIE A. PORSBOLL,  
Real Party in Interest.

No. 61321

**FILED**

JUL 23 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

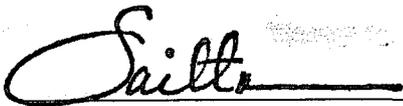
This original petition for a writ of mandamus challenges a district court order regarding, among other things, child support arrears, attorney fees and contempt sanctions.

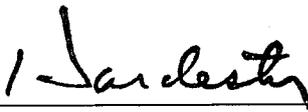
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Additionally, it is petitioner's burden to demonstrate that this court's extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. Moreover,

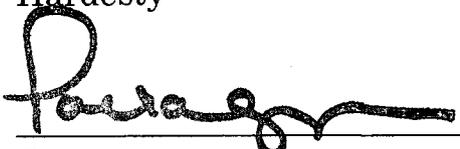
this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

Here, it appears that, once the district court enters an order reducing the amount of any penalties owed by petitioner to judgment, petitioner will be able to file an appeal from that order and raise all of the issues set forth in this petition as part of that appeal. Accordingly, we conclude that petitioner has a plain, speedy and adequate remedy in the form of an appeal and we therefore deny this petition on that basis. Id.

It is so ORDERED.

 \_\_\_\_\_, J.  
Saitta

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

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

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division  
Robert Scotlund Vaile  
Willick Law Group  
Eighth District Court Clerk