

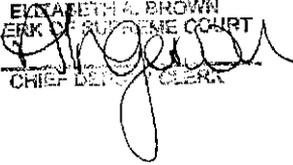
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES R. KOZAK, ESQ.,  
Petitioner,  
vs.  
THE TENTH JUDICIAL DISTRICT OF  
THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CHURCHILL; AND  
THE HONORABLE THOMAS L.  
STOCKARD, DISTRICT JUDGE,  
Respondents,  
and  
SHAUGHNAN L. HUGHES; AND  
JUSTIN M. TOWNSEND, ESQ.,  
Real Parties in Interest.

No. 74857

FILED

JUN 13 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order sanctioning petitioner.

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; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *See* *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioner bears the burden of demonstrating that

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

Having considered the documents before us, we conclude that the district court had the authority to sanction petitioner and that the court properly determined that the imposition of the sanctions at issue here were warranted. *See* NRCP 16.1 and 37; 10JDCR 25; *Emerson v. Eighth Judicial Dist. Court*, 127 Nev. 672, 680, 263 P.3d 224, 229 (2011). Additionally, as the sanction was limited to fees incurred in relation to the sanctioned conduct, the sanction was reasonably proportionate to the misconduct. *See Emerson*, 127 Nev. at 681-82, 263 P.3d at 230 (discussing the requirement that sanctions be reasonably proportionate to the misconduct and holding an award of fees and costs as a sanction was proportionate where it was limited to fees and costs incurred because of the misconduct). We therefore conclude that the district court did not manifestly abuse its discretion in sanctioning petitioner and thus, petitioner has failed to demonstrate that extraordinary writ relief is warranted. *See Merits Incentives, LLC v. Eighth Judicial Dist. Court*, 127 Nev. 689, 694, 262 P.3d 720, 723 (2011); *Pan*, 120 Nev. at 228; 88 P.3d at 844. Accordingly, we deny the petition. *See* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. Thomas L. Stockard, District Judge  
Kozak & Associates, LLC  
Allison MacKenzie, Ltd.  
Churchill County Clerk