FILED
Sep 03 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LOUIS NOGALI AND SUZETTE NOGALI, Petitioners, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE JOANNA KISHNER, DISTRICT JUDGE, Respondents, and SHOOK AND STONE, CHTD., Real Party in Interest.	No. 91515-COA

ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges the district court's order granting real party in interest Shook and Stone, Chtd.'s (Shook) motion to compel arbitration and stay the proceedings. Following the filing of the instant petition, petitioners Louis Nogali and Suzette Nogali, and Shook filed separate notices in this court advising that Shook had filed a motion in the district court seeking to withdraw its request for arbitration and to lift the stay. We subsequently issued an order to show cause why this matter is not moot, and petitioners and Shook informed this

court that the district court granted Shook's motion to withdraw its request to compel arbitration and to lift the stay.

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). Petitioners bear 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, although petitioners request that this court resolve their petition on the merits and address the propriety of the district court's order granting the motion to compel arbitration, we conclude the relief sought in the petition became moot when the district court granted Shook's motion to withdraw its request for arbitration and to lift the stay of proceedings. *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); *Univ. & Cmty. Coll. Sys. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (providing that a court of review will not make legal determinations that cannot affect the outcome of the case).

Accordingly, petitioners fail to demonstrate that our intervention is warranted, *see Pan*, 120 Nev. at 228, 88 P.3d at 844, and we

ORDER the petition DENIED.[1]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Joanna Kishner, District Judge
Shook & Stone, Chtd.
Louis Nogali
Suzette Nogali
Eighth District Court Clerk

[1]Insofar as petitioners raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief or need not be addressed in light of our disposition.

We have reviewed all documents petitioners have filed in this matter, and we conclude no relief based upon those submissions is warranted.