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See Fed. Rule of Appellate Procedure 32.1

generally governing citation of judicial

decisions issued on or after Jan. 1, 2007. See

also Federal Circuit Rule 32.1 and Federal

Circuit Local Rule 32.1. (Find CTAF Rule 32.1)

United States Court of Appeals,

Federal Circuit.

In re NATIONAL OILWELL

VARCO, L.P., Petitioner.

Misc. No. 994. Sept. 2, 2011.

On Petition for Writ of Mandamus to the United States District Court for the Southern District of Texas in case no. 06-CV-170, Judge [Lynn N. Hughes](#).

Before [LOURIE](#), [BRYSON](#), and [MOORE](#), Circuit Judges.

## Opinion

### ON PETITION

[Lourie](#), Circuit Judge.

### ORDER

*\*I* National Oilwell Varco, L.P. (NOV) seeks a writ of mandamus directing the United States District Court for the Southern District of Texas to allow “basic discovery.” Hydril Co., L.P. opposes. NOV replies.

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The remedy of mandamus is available only in extraordinary situations to correct a clear abuse of discretion or usurpation of judicial power. *In re Calmar, Inc.*, 854 F.2d 461, 464 (Fed.Cir.1988). A party seeking a writ bears the burden of proving that it has no other means of attaining the relief desired, *Mallard v. U.S. Dist. Court for the Southern Dist. of Iowa*, 490 U.S. 296, 309, 109 S.Ct. 1814, 104 L.Ed.2d 318 (1989), and that the right to issuance of the writ is “clear and indisputable,” *Allied Chem. Corp. v. Daiiflon, Inc.*, 449 U.S. 33, 35, 101 S.Ct. 188, 66 L.Ed.2d 193 (1980). A court may deny mandamus relief “even though on normal appeal, a court might find reversible error.” *In re Cordis Corp.*, 769 F.2d 733, 737 (Fed.Cir.1985).

In the papers submitted, NOV has not shown why it cannot raise any challenge to the district court's discovery determinations on appeal from a final judgment. Although NOV argues that it will be unable to present a proper record on appeal without this court's intervention now and that it wishes to “avoid piece by piece” appeal, that argument is generally insufficient to warrant mandamus relief. See *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 383, 74 S.Ct. 145, 98 L.Ed. 106 (1953) (“[I]t is established that the extraordinary writs cannot be used as substitutes for appeals ... even though hardship may result from delay and perhaps unnecessary trial”). NOV will still be able to argue about the propriety of the district court's discovery determinations on appeal. Because NOV has failed to meet its burden of establishing the extraordinary circumstances necessary to grant mandamus relief, we deny the petition.

Accordingly,

IT IS ORDERED THAT:

The petition for writ of mandamus is denied.

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