

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELLE COULTHARD,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JACKIE GLASS, DISTRICT JUDGE,  
Respondents,

and

SCOTT E. MANTHEI, D.O.; SCOTT E.  
MANTHEI, P.C., LTD.; AND NEVADA  
EYE, D/B/A NEVADA EYE AND EAR,  
Real Parties in Interest.

No. 43645

**FILED**

SEP 02 2004

JANETTE E. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for writ of mandamus seeking to vacate a portion of the district court's order granting a stay to the extent that the order requires petitioner to file a supersedeas bond in the sum of \$50,000.

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,<sup>1</sup> or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> A writ of mandamus will not issue, however, if petitioner has a plain, speedy

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<sup>1</sup>NRS 34.160.

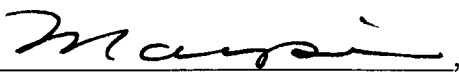
<sup>2</sup>Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

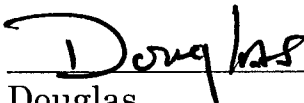
and adequate remedy in the ordinary course of law.<sup>3</sup> Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.<sup>4</sup>

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.<sup>5</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

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

cc: Hon. Jackie Glass, District Judge  
Craig P. Kenny & Associates  
Alverson Taylor Mortensen Nelson & Sanders  
Clark County Clerk

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<sup>3</sup>NRS 34.170; see also McCulloch v. Jeakins, 99 Nev. 122, 659 P.2d 302 (1983).

<sup>4</sup>Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

<sup>5</sup>See NRAP 21(b).