

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD GARDOCKI,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

ALLAN S. RUBIN; RUBIN & RUBIN,
PLLC; RON SWEATT; AND LYDIA
SWEATT,
Real Parties in Interest.

No. 43864

FILED

OCT 01 2004


JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rubins*
CHIEF DEPUTY CLERK


ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR CERTIORARI

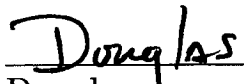
This original petition for a writ of mandamus or certiorari requests this court to direct the district court to (1) vacate a September 24, 2002 order unwinding a purchase agreement; (2) vacate an order granting partial summary judgment; and (3) decide petitioner's unjust enrichment claim, rather than submitting the claim to the jury.

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹ Accordingly, we deny the petition.²

It is so ORDERED.³


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Michelle Leavitt, District Judge
Callister & Reynolds
Kerr & Associates
Laxalt & Nomura, Ltd./Reno
Clark County Clerk

¹Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

²NRAP 21(b).

³In light of this order, we deny petitioner's motion for stay as moot.