

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHTOWNE CROSSING, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
PETER I. BREEN, DISTRICT JUDGE,  
Respondents,  
and  
CITY OF RENO, A MUNICIPAL  
CORPORATION, AND THE CITY  
COUNCIL THEREOF,  
Real Party in Interest.

No. 44069

**FILED**

FEB 24 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that granted a stay pending appeal of the underlying litigation.

This court may issue a writ of mandamus 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.<sup>1</sup> Mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law.<sup>2</sup> However,

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<sup>1</sup>NRS 34.160; Washoe County Dist. Attorney v. Dist. Ct., 116 Nev. 629, 5 P.3d 562 (2000).


<sup>2</sup>NRS 34.170.

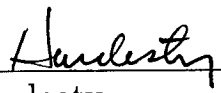
because a writ of mandamus is an extraordinary remedy, whether a petition will be entertained is entirely within the discretion of this court.<sup>3</sup>

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.<sup>4</sup> Accordingly, we deny the petition.<sup>5</sup>

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Peter I. Breen, District Judge  
Hale Lane Peek Dennison & Howard/Reno  
Reno City Attorney  
Washoe District Court Clerk

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<sup>3</sup>Barnes v. District Court, 103 Nev. 679, 748 P.2d 483 (1987).

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

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