

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY MILLER, AN INDIVIDUAL,
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

GILBERT AGUNDEZ AND MARIE
AGUNDEZ, BOTH INDIVIDUALLY
AND AS HUSBAND AND WIFE;
KERRY VANDERWAAG, AN
INDIVIDUAL; KEITH EASTON, AN
INDIVIDUAL; AND EASTON
BUSINESS OPPORTUNITIES, INC., A
REAL ESTATE, COMMERCIAL &
BUSINESS BROKERAGE, A
DOMESTIC CLOSE CORPORATION,
Real Parties in Interest.

No. 45685

FILED

AUG 08 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is an original petition for a writ of mandamus challenging a district court order expunging a lis pendens. Petitioner has filed an emergency motion to stay the district court's order pending this court's consideration of the petition.


We have considered the petition, and we are not persuaded that this court's intervention by way of extraordinary relief is warranted.¹


¹See State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983).

In particular, petitioner has not demonstrated that the district court manifestly abused its discretion, as she has not submitted a written contract for the sale of land signed by the parties to be charged, as required by Nevada's statute of frauds for real estate, NRS 111.210.² Accordingly, we deny the petition.³

It is so ORDERED.⁴


_____, J.
Rose


_____, J.
Maupin


_____, J.
Hardesty

cc: Hon. Michelle Leavitt, District Judge
Sylvester & Polednak, Ltd.
David J. Winterton & Associates, Ltd.
Rawlings Olson Cannon Gormley & Desruisseaux
Clark County Clerk

²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981) (stating that a writ of mandamus may issue to control an arbitrary or capricious exercise of discretion). Additionally, we note that petitioner has failed to provide this court with a written district court order expunging the lis pendens. See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

³See NRAP 21(b).

⁴In light of this order, we deny as moot petitioner's request for a stay.