

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABBEY DENTAL CENTER, INC.; AND  
MICHAEL KHANNA, DDS,  
Petitioners,

vs.

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

and

JAMES PETERSON, JR., AND PEGGY  
PETERSON, INDIVIDUALLY; AND  
LAS VEGAS GLOVE FACTORY,  
Real Parties in Interest.

No. 46720

**FILED**

SEP 08 2006

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

ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION AND MANDAMUS

This original petition for writs of prohibition and mandamus challenges a district court order granting real parties in interest's NRCP 60(b) motion and an order denying petitioners' motion to strike real parties in interest's request for trial de novo.


The district court granted real parties in interest's NRCP 60(b) motion for relief from their accepted offer of judgment, concluding that the offer of judgment "contained a clerical error." The district court denied petitioners' motion to strike real parties in interest's allegedly untimely served trial de novo request. In their petition, petitioners request that this court direct the district court to enter judgment in their favor based on the accepted offer of judgment, that this court direct the district court to enter an order striking real parties in interest's trial de


novo request, and that this court prohibit the district court from conducting any further litigation in the underlying matter.

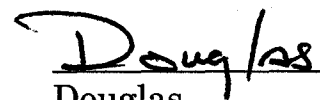
Both prohibition and mandamus are extraordinary remedies, and it is within this court's discretion to determine if a petition will be considered.<sup>1</sup> And petitioners bear the burden of demonstrating that this court's intervention by way of extraordinary relief is warranted.<sup>2</sup> Having reviewed the petition and supporting documentation, we conclude that petitioners have not met their burden of demonstrating that extraordinary relief is warranted.

Accordingly, we deny this petition.

It is so ORDERED.

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

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

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

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Michael A. Root  
Hofland Manning  
Clark County Clerk

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<sup>1</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>2</sup>See Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).