

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK DEMONT, INDIVIDUALLY; AND  
NEVADA LANDSCAPE CORP., A  
NEVADA CORPORATION,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
VALORIE J. VEGA, DISTRICT JUDGE,  
Respondents,  
and  
ERIC DINULOS, INDIVIDUALLY,  
Real Party in Interest.

No. 48716

FILED

FEB 08 2007

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order consolidating the underlying case with two other district court cases.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> A writ of mandamus will not issue, however, if petitioner has a plain, speedy, and adequate legal remedy.<sup>2</sup> Further,

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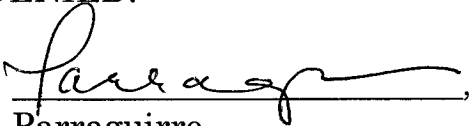
<sup>1</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

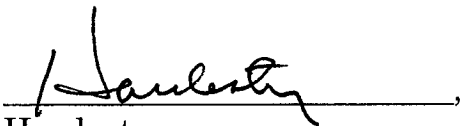
<sup>2</sup>NRS 34.330; NRS 34.170.


mandamus is an extraordinary remedy, and whether such a petition will be considered is within this court's discretion.<sup>3</sup>

Having reviewed the petition and supporting documents, we are not satisfied that this court's intervention by way of mandamus relief is warranted at this time.<sup>4</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Parraguirre

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Valorie Vega, District Judge  
Cisneros & Associates  
Benson, Bertoldo, Baker & Carter, Chtd./Las Vegas  
Eighth District Court Clerk

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<sup>3</sup>NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>4</sup>See NRCP 42(a) (providing that the district court may order a joint trial or it may consolidate actions "involving a common question of law or fact"); State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 453, 92 P.3d 1239, 1244 (2004) (explaining that the district court has wide discretion to control the conduct of proceedings pending before it).