


IN THE SUPREME COURT OF THE STATE OF NEVADA

KIMBERLY BASS-DAVIS,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
TIMOTHY C. WILLIAMS, DISTRICT  
JUDGE,  
Respondents,  
and  
KATHI DAVIS AND CHRISTOPHER E.  
DAVIS,  
Real Parties in Interest.

No. 49131

**FILED**

MAY 11 2007

JANE T. M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders denying petitioner's motions to amend her complaint and to amend her complaint's caption.

A writ of mandamus is appropriate to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,<sup>1</sup> or to control a manifest abuse, or arbitrary or capricious exercise of discretion.<sup>2</sup> Mandamus is an extraordinary remedy, and it is within this court's discretion to determine if a petition will be considered.<sup>3</sup>

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<sup>1</sup>See NRS 34.160.

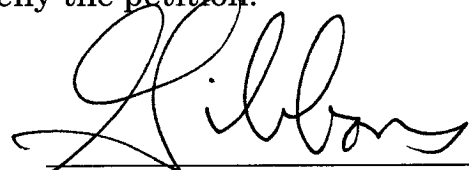
<sup>2</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

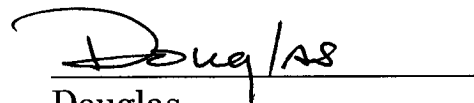
<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

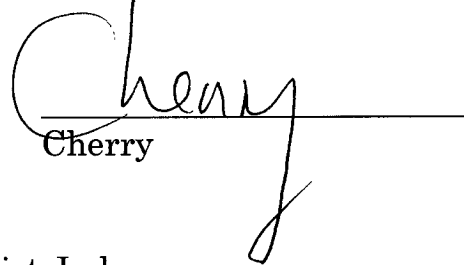
Mandamus relief generally is unavailable when there is an adequate legal remedy, such as an appeal from a final judgment.<sup>4</sup> Kimberly Bass-Davis, as the petitioner, bears the burden of demonstrating that extraordinary relief is warranted.<sup>5</sup>

Upon consideration of the petition and supporting documents, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.<sup>6</sup>

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Timothy C. Williams, District Judge  
Kirk-Hughes & Associates  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP  
Eighth District Court Clerk

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<sup>4</sup>NRS 34.170; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

<sup>5</sup>Pan, 120 Nev. at 228, 88 P.3d at 844 (explaining petitioner's burden, under NRAP 21(a), to provide this court with a factual analysis, essential information, and parts of the record necessary for this court to properly evaluate the petition).

<sup>6</sup>See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.