

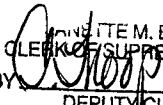
IN THE SUPREME COURT OF THE STATE OF NEVADA

TRUDY VAN BUSKIRK,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
JEFFREY VAN BUSKIRK AND
BARBARA HARMS,
Real Parties in Interest.

No. 49272

FILED

MAY 1 1 2007

CHRISTINE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion to dismiss and granting sanctions against real parties in interest. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

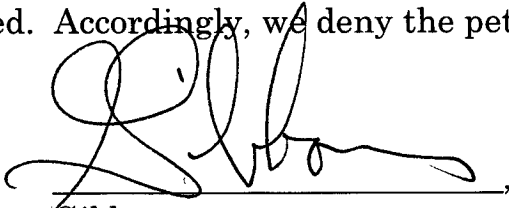
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,¹ or to control a manifest abuse of discretion.² This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of

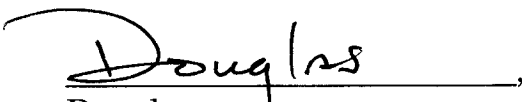
¹See NRS 34.160.

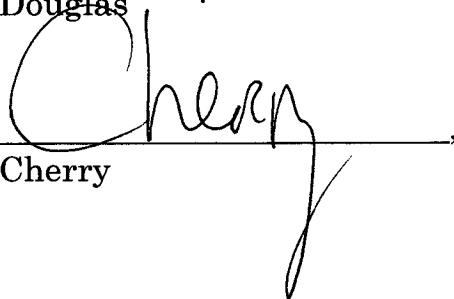
²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

the district court's jurisdiction.³ Both mandamus and prohibition are extraordinary remedies, and it is within the discretion of this court to determine if a petition will be considered.⁴ Having considered this petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁵

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Valerie Adair, District Judge
Law Offices of Richard McKnight, P.C.
Blut & Campain, APC
John R. Lusk
Eighth District Court Clerk

³See NRS 34.320.

⁴See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁵See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.