

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JAMES A. BRENNAN, SENIOR JUDGE,
Respondents,
and
PETER WHITE,
Real Party in Interest.

No. 49273

FILED

MAY 01 2007

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to disqualify opposing counsel. Petitioner also requests a stay of the district court proceedings pending our consideration of its petition.

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.¹ Mandamus is an extraordinary remedy, however, and its issuance is within this court's sole discretion.² A petitioner seeking mandamus relief has the burden of demonstrating that this court's

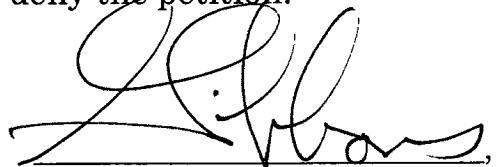
¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

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

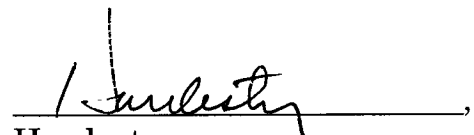
intervention is warranted.³ We have consistently held that orders in counsel disqualification matters are properly challenged by way of mandamus.⁴

We have considered this petition and the answer, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. In particular, we are not persuaded that the district court manifestly abused its discretion in determining that disqualification was not warranted.⁵ Accordingly, we deny the petition.⁶

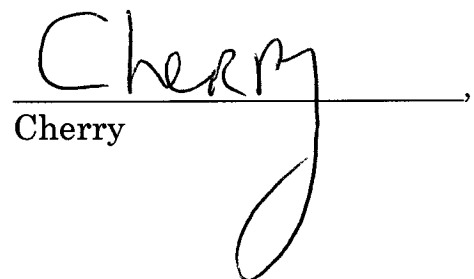
It is so ORDERED.⁷



Gibbons J.



Hardesty J.



Cherry J.

³Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004); NRAP 21(a).

⁴See, e.g., Waid v. Dist. Ct., 121 Nev. 605, 119 P.3d 1219 (2005).

⁵See Nevada Yellow Cab Corp. v. Dist. Ct., 123 Nev. ___, ___, 152 P.3d 737, 743 (2007).

⁶See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

⁷In light of this order, we deny as moot petitioner's request for a stay.

cc: Chief Judge, Eighth Judicial District
Hon. James A. Brennan, Senior Judge
Delanoy Schuetze & McGaha, P.C.
Christensen Law Offices, LLC
Eighth District Court Clerk