

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD SEPULVEDA AND FLORA  
SEPULVEDA,

Petitioners,

vs.

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

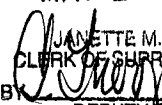
and

TRANQUILLINO PADRON;  
JOSEPHINE PADRON; THE MARTIN  
TODD GROUP, INC., A NEVADA  
CORPORATION; MARTIN MASRI; AND  
TODD GLICK,  
Real Parties in Interest.

No. 49379

**FILED**

MAY 11 2007

JANETTE 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 a district court order that granted summary judgment to real parties in interest and expunged petitioners' lis pendens.

On discovering that real parties in interest, Tranquillino and Josephine Padron, had agreed to sell a parcel of real property to real parties in interest, The Martin Todd Group, Inc., petitioners, Edward and Flora Sepulveda, instituted the case below, asserting that they, first, had consummated a real property purchase contract with the Padrons for the

parcel. To prevent the sale from going through, the Sepulvedas recorded a lis pendens against the parcel.

The district court ultimately granted partial summary judgment to real parties in interest and expunged petitioners' lis pendens, concluding that, because no genuine issue of material fact existed suggesting that the Padrans and Sepulvedas had consummated a purchase contract for the parcel at issue, real parties in interest were entitled to judgment as a matter of law. This writ petition followed.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or arbitrary or capricious exercise of discretion.<sup>1</sup> Mandamus is an extraordinary remedy, however, and the decision to entertain such a petition is addressed to this court's sole discretion.<sup>2</sup> The Sepulvedas, moreover, as petitioners, bear the burden of demonstrating that extraordinary relief is warranted.<sup>3</sup>

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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).

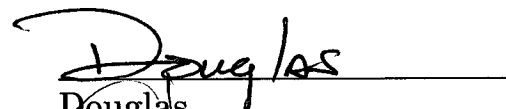
<sup>2</sup>See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

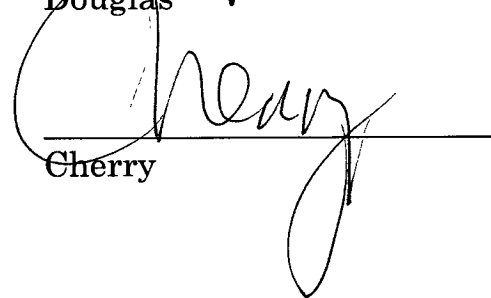
<sup>3</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); see also NRAP 21(a) (noting that an extraordinary writ petition "shall contain . . . copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition").

After reviewing this petition and its supporting documentation, we are not satisfied that our extraordinary intervention is warranted. Accordingly, we

ORDER the petition DENIED.<sup>4</sup>

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

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

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

cc: Hon. Susan Johnson, District Judge  
Deaner, Deaner, Scann, Malan & Larsen  
Lee A. Drizin  
Steven Marzullo  
Wilde Hansen, LLP  
Eighth District Court Clerk

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<sup>4</sup>NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We note that the Sepulvedas are still required to pay the filing fee. See NRS 2.250(1)(a).