

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRASS TACKS, INC., A NEVADA CORPORATION; AND PATRICIA GREGORY, AN INDIVIDUAL, Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE MARK R. DENTON, DISTRICT JUDGE, Respondents,

and

KIMBERLY M. FRAYN, AN INDIVIDUAL, Real Party in Interest.

No. 49428

FILED

JUN 08 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting a motion in limine to exclude evidence contradicting petitioners' prior admissions.

Writ relief is an extraordinary remedy that will only issue at the discretion of this court.¹ 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, or to control a manifest abuse or arbitrary or capricious exercise of discretion.² Having considered this petition, we are

¹Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

²See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

not satisfied that this court's intervention by way of extraordinary relief is warranted.³ Accordingly, we deny the petition.

It is so ORDERED.⁴

Maupin, C.J.
Maupin

Hardesty, J.
Hardesty

Saitta, J.
Saitta

cc: Hon. Mark R. Denton, District Judge
Selman Breitman, LLP
Harrison Kemp & Jones, LLP
Eighth District Court Clerk

³Smith, 107 Nev. 674 818 P.2d 849.

⁴In light of this order, we deny as moot petitioners' request for a stay.