

IN THE SUPREME COURT OF THE STATE OF NEVADA

BLUE DIAMOND VILLAGE, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
DOUGLAS HERNDON, DISTRICT  
JUDGE,

Respondents,

and

CHIP'N DALE LIMITED  
PARTNERSHIP, A NEVADA LIMITED  
PARTNERSHIP; LET IT ROLL  
LIMITED PARTNERSHIP, A NEVADA  
LIMITED PARTNERSHIP D/B/A LET IT  
ROLL 1; LET IT ROLL 2, A NEVADA  
LIMITED PARTNERSHIP; RONALD C.  
MICH'L AND CAROLYN A. MICH'L,  
HUSBAND AND WIFE,  
Real Parties in Interest.

No. 49429

**FILED**

JUN 08 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 granting a motion to expunge a lis pendens.

Petitioner is the buyer in three nearly identical land sale agreements with real parties in interest, the sellers. The agreements differ with respect to the parcel and purchase price of Las Vegas real

property conveyed. Believing that real parties in interest intended to repudiate the parties' agreements, in part, by not conveying title to the parcels "free and clear of all . . . leases, tenancies, . . . and other matters affecting title," petitioner instituted the case below seeking, among other things, specific performance of the agreements.

In conjunction with its complaint, petitioner recorded a lis pendens against the parcels. Real parties in interest counterclaimed, likewise seeking specific performance of the parties' agreements, and thereafter, moved to expunge the lis pendens. In resolving that motion, the district court reviewed the parties' extensive evidence and conducted a hearing. Ultimately, the district court determined to expunge the lis pendens and entered an order accordingly. This 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, moreover, is an extraordinary remedy, and the decision to entertain such a petition is addressed to this court's sole discretion.<sup>2</sup> To demonstrate that our extraordinary intervention is warranted is petitioner's burden.<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).

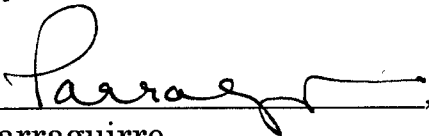
<sup>2</sup>See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

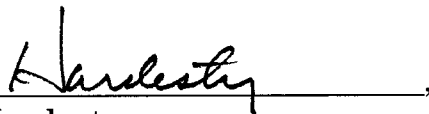
<sup>3</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Having reviewed the petition and supporting documentation, we are not persuaded that the district court's decision to expunge petitioner's lis pendens constituted a manifest abuse or arbitrary or capricious exercise of its discretion.

Accordingly, we

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Douglas W. Herndon, District Judge  
Lionel Sawyer & Collins/Las Vegas  
Morris Pickering Peterson & Trachok/Las Vegas  
Eighth District Court Clerk

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<sup>4</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

In light of this order, we deny as moot petitioner's request for a temporary stay of the district court's order.