

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAL EL JWAIDI, A/K/A JEAN  
MARC, AN INDIVIDUAL,  
Petitioner,

vs.

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

Respondents,

and

RICHARD SAGE AND CAROL SAGE,  
Real Parties in Interest.

No. 49454

**FILED**

**AUG 17 2007**

JANET E. M. BLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION AND MANDAMUS

This original petition for a writ of prohibition and mandamus challenges the district court's decision to deny petitioner's motion to expunge a notice of lis pendens recorded on a parcel of Las Vegas real property.<sup>1</sup> Real parties in interest timely filed an answer, as we directed.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial function, when such

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<sup>1</sup>Whether the district court entered a formal written order denying petitioner's motion is unclear from the documents before this court. If the district court's disposition of petitioner's motion to expunge the notice of lis pendens has not been "written, signed, and filed" then the order is ineffective, see State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004), constituting an independent basis on which to deny the relief requested.

proceedings are in excess of the district court's jurisdiction.<sup>2</sup> A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or an arbitrary or capricious exercise of discretion.<sup>3</sup> Both prohibition and mandamus are extraordinary remedies, however, and whether a petition will be considered is within our discretion.<sup>4</sup> And to demonstrate that our intervention by way of extraordinary relief is warranted is petitioner's burden.<sup>5</sup> Having considered the petition and the answer thereto in light of those principles, we are not persuaded that our intervention by way of extraordinary relief is warranted.

In particular, petitioner essentially contends that, because this case does not satisfy NRS 14.015(2)(a)'s requirement that the action tied to the notice of lis pendens "affects the title or possession of the real property described in the notice," the district court exceeded its jurisdiction and/or manifestly abused its discretion when it refused to expunge real parties in interest's notice of lis pendens. Nevertheless, real parties in interest's amended cross-claim includes a specific-performance-type claim, seeking an interest in the Las Vegas parcel or in petitioner's

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<sup>2</sup>See NRS 34.320.

<sup>3</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

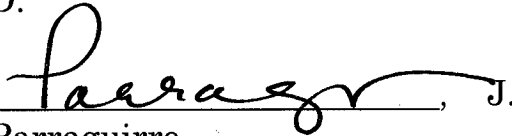
<sup>4</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

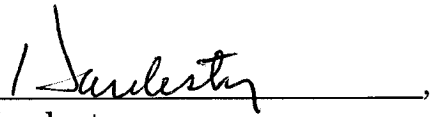
<sup>5</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


limited liability company that possesses it.<sup>6</sup> Thus, because real parties in interest's cross-claim apparently "affects the title or possession" of the Las Vegas parcel, we cannot conclude that the district court exceeded its jurisdiction or manifestly abused its discretion in denying petitioner's motion to expunge the notice of lis pendens recorded against that parcel.

Accordingly, we

ORDER the petition DENIED.

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

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

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

cc: Hon. Michael Villani, District Judge  
Patti, Sgro & Lewis  
Greco Law Group  
Eighth District Court Clerk

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<sup>6</sup>At this point in the underlying proceedings, the issue whether petitioner's limited liability company that possesses the Las Vegas parcel is a necessary party to this case is within the district court's discretion and jurisdiction to decide.