

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA J. GIBSON,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
VALERIE ADAIR, DISTRICT JUDGE,  
Respondents,  
AND  
MARSHAL WILLICK; ROBERT  
CERCEO; AND THE LAW OFFICES OF  
MARSHAL S. WILLICK,  
Real Parties in Interest.

No. 49550

**FILED**

**JUN 08 2007**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Reubens*  
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 proceed in forma pauperis.

This court may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> But mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy at law.<sup>2</sup> Because mandamus is an extraordinary remedy, whether a petition will be considered is entirely

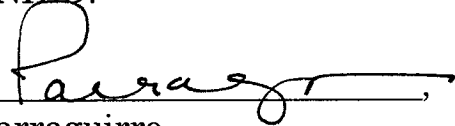
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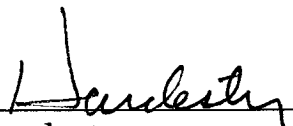
<sup>1</sup>NRS 34.160; Washoe County Dist. Attorney v. Dist. Ct., 116 Nev. 629, 5 P.3d 562 (2000).

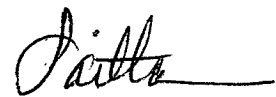
<sup>2</sup>NRS 34.170.

within this court's discretion.<sup>3</sup> Having reviewed the petition and its attachments, we are not persuaded that our intervention by way of extraordinary relief is warranted, since petitioner has a plain, speedy and adequate remedy at law in the form of an appeal if her complaint is dismissed. Accordingly, we

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

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

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

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

cc: Hon. Valerie Adair, District Judge  
Lisa J. Gibson  
Selman Breitman, LLP  
Eighth District Court Clerk

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<sup>3</sup>Barnes v. District Court, 103 Nev. 679, 748 P.2d 483 (1987).

<sup>4</sup>We conclude that petitioner has demonstrated good cause to waive the filing fee in this matter, see NRAP 21(e), and so no filing fee is due. We deny petitioner's motion for a stay as moot in light of this order. We direct the clerk to file the motion for stay, received on June 5, 2007, and the motion for waiver of fees, received on May 31, 2007.