

IN THE SUPREME COURT OF THE STATE OF NEVADA

EXQUISITE INVESTMENTS, INC.,  
Petitioner,

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,

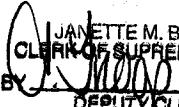
and

AIR LIQUIDE AMERICA LP; AND  
WRIGHT ENGINEERS,  
Real Parties in Interest.

No. 49589

**FILED**

JUN 20 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order expunging petitioner's notice of lis pendens recorded in a real property contract dispute.

On November 1, 2005, the district court entered an order expunging petitioner's notice of lis pendens, recorded against real party in interest Air Liquide America LP's property. Thereafter, petitioner filed a petition for extraordinary relief in this court, requesting this court to direct the district court to vacate its November 1 order. We ultimately granted the petition in part and issued a writ of mandamus to the district court, directing it "to reconsider whether expungement [was] warranted," in light of the NRS 14.015 discussion contained in our order.<sup>1</sup>

<sup>1</sup>See Exquisite Investments v. Dist. Ct. (Air Liquide America), Docket No. 46456 (Order Granting In Part Petition for Writ of Mandamus, May 5, 2006).

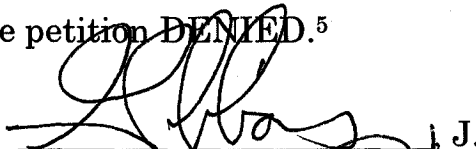
Thereafter, the district court conducted several hearings and entered several orders to facilitate determining whether expungment of petitioner's notice of lis pendens was warranted. Ultimately, the court determined that it was, and entered an order on May 17, 2007, expunging petitioner's lis pendens. This petition followed.

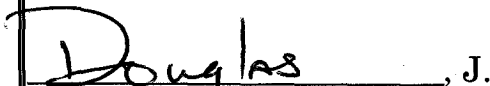
Both mandamus and prohibition are extraordinary remedies, and it is within this court's discretion to determine if a petition will be considered.<sup>2</sup> Writ relief generally is not available unless the district court manifestly abused its discretion or exercised its discretion arbitrarily or capriciously.<sup>3</sup> To demonstrate that this court's extraordinary intervention is warranted is petitioner's burden.<sup>4</sup>

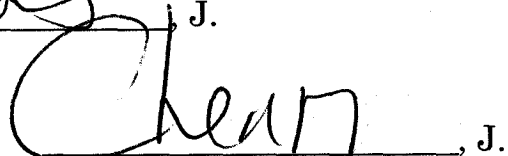
Having considered this petition and its supporting documentation, in light of those principles, we are not persuaded that our intervention by way of extraordinary relief is warranted.

Accordingly, we

ORDER the petition DENIED.<sup>5</sup>

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

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

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

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

<sup>3</sup>State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 147, 42 P.3d 233, 237-38 (2002).

<sup>4</sup>Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

<sup>5</sup>In light of this order, we deny as moot petitioner's request for a stay of the district court's order.

cc: Hon. Mark R. Denton, District Judge  
Law Offices of Richard McKnight, P.C.  
Guild Russell Gallagher & Fuller  
Eighth District Court Clerk