

IN THE SUPREME COURT OF THE STATE OF NEVADA

R & M REALTY, INC., D/B/A
COLDWELL BANKER PREMIER
REALTY; DUKE REAL ESTATE
GROUP; AZAR TORABI, BROKER;
PETER AULICINO, AGENT; ACRES
DEVELOPMENT, LLC; FUTURE
REALTY & PROPERTY
MANAGEMENT, LLC, D/B/A ACRES
REAL ESTATE SERVICES,
SUCCESSOR-IN-INTEREST; MARIO
SANCHEZ, BROKER; CLIFF
MICHAELS & ASSOCIATES, INC.; AND
CLIFF MICHAELS, BROKER/AGENT,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE J.
CHARLES THOMPSON, SENIOR
JUDGE,

Respondents,


and

PETER A. MORTON, AN INDIVIDUAL;
HARD ROCK HOTEL, INC., A NEVADA
CORPORATION; HR CONDOMINIUM
INVESTORS (VEGAS), LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; PM REALTY, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; CHRISTOPHER MILAM,
AN INDIVIDUAL; IDM PROPERTIES,
LP, A LIMITED PARTNERSHIP; IDM
PROPERTIES (NEVADA), LLC, A
LIMITED LIABILITY COMPANY;
MILAM HR HOLDINGS, LLP, A TEXAS
LIMITED LIABILITY PARTNERSHIP;
MILAM HR HOLDINGS-B, LLP, A

No. 49675

FILED

JAN 15 2008

TRACEY K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

TEXAS LIMITED LIABILITY
PARTNERSHIP; ERIC METZGER, AN
INDIVIDUAL; CHAD ACKERLY, AN
INDIVIDUAL; HRSM, INC., A NEVADA
CORPORATION; AND SUNBURST
MARKETING GROUP,
Real Parties in Interest.

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or, alternatively, mandamus challenges a district court order granting real parties in interest's motion to associate out-of-state counsel. Specifically, petitioners assert that the out-of-state counsel and their firms had exceeded the limits set by SCR 42. We directed real parties in interest to file an answer, and real parties in interest Peter Morton, Hard Rock Hotel, HR Condominium Investors, and PM Realty filed a timely answer. The remaining real parties in interest neither joined in that answer nor filed their own.

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,¹ or to control a manifest abuse or an arbitrary or capricious exercise of discretion.² The counterpart to a writ of mandamus, a writ of prohibition is available when a district court acts without or in excess of

¹NRS 34.160; see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

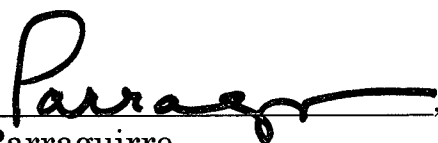
²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

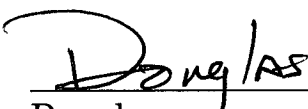
its jurisdiction.³ Neither writ will issue, however, when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law.⁴ The decision to entertain a writ petition is addressed to our sole discretion,⁵ and petitioners bear the burden of demonstrating that extraordinary relief is warranted.⁶

We have considered this petition, its supplement, and the answer, and we are not satisfied that our intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁷

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002); NRS 34.320.

⁴Gumm v. State, Dep't of Education, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005); NRS 34.170; NRS 34.330.

⁵See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

⁶Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); NRAP 21(a).

⁷See Smith, 107 Nev. at 677, 818 P.2d at 851.

cc: Chief Judge, Eighth Judicial District
Hon. J. Charles Thompson, Senior Judge
Bailey Kennedy
Baker & Hotstetler/Orlando
Brownstein Hyatt Farber Schreck, P.C.
Gibbs, Giden, Locher & Turner, LLP
Kummer Kaempfer Bonner Renshaw & Ferrario/Las Vegas
Munger, Tolles & Olson LLP
Eighth District Court Clerk