

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDRA PROPERTIES, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; OASIS LAS VEGAS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND NEW HORIZON 2001,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Petitioners,

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

FRED NASSIRI, AN INDIVIDUAL; AND
NASSIRI LIVING TRUST, UDT
11/12/97, BY AND THROUGH ITS
TRUSTEE, FRED NASSIRI,
Real Parties in Interest.

No. 50172

FILED

OCT 11 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Alvarado
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order that expunged petitioners' notice of lis pendens, recorded against a parcel of Southern Nevada real property near State Route 160.

According to petitioners, the parties had agreed to jointly acquire the parcel at issue. On discovering that real parties in interest instead acquired the parcel without involving petitioners, petitioners instituted the underlying action and recorded a notice of lis pendens against the land. Thereafter, real parties in interest filed a motion requesting that the district court expunge the notice of lis pendens. The district court ultimately granted the motion. 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 an arbitrary or capricious exercise of discretion.¹ We may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial function, when such proceedings are in excess of the district court's jurisdiction.² Both mandamus and prohibition are extraordinary remedies, however, and whether a petition will be considered is within our discretion.³ Moreover, petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted.⁴

¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

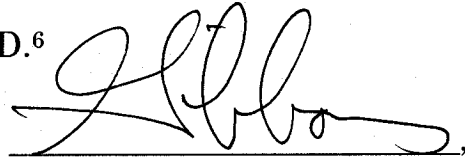
²See NRS 34.320.

³See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

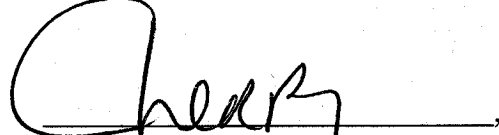
⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered this petition and its supporting documents, we are not persuaded that our intervention by way of extraordinary relief is warranted.⁵ Accordingly, we

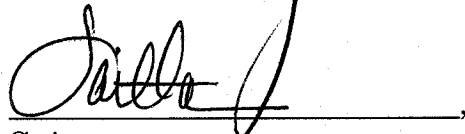
ORDER the petition DENIED.⁶

 J.

Gibbons

 J.

Cherry

 J.

Saitta

⁵When this petition was filed, petitioners requested a stay of the district court's order. Real parties in interest opposed the motion. On October 1, 2007 petitioners filed a request for leave to reply to real parties in interest's opposition, combined with their reply. We denied petitioners' stay motion that same day.

Because petitioners combined their reply with their request for leave to file it, their reply already has been filed. Accordingly, we deny as moot petitioners' request for leave to file a reply, and we admonish petitioners that any future requests for leave to file documents should be filed separately from the documents that petitioners are seeking to file. Moreover, because we already have denied the stay motion to which petitioners directed their reply, we need not address their reply further.

⁶In light of this order, we deny as moot petitioners' latest request for a stay, filed on October 3, 2007.

cc: Hon. Douglas W. Herndon, District Judge
Brownstein Hyatt Farber Schreck, P.C.
Jones Vargas/Las Vegas
Eighth District Court Clerk