

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE HOLDER GROUP RED GARTER,  
LLC, A NEVADA LIMITED LIABILITY  
COMPANY,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
STEVEN R. KOSACH, DISTRICT  
JUDGE,

Respondents,

and

TRIBUNE CAPITAL, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
PETER ARNOLD,  
Real Parties in Interest.

No. 50210

**FILED**

OCT 12 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that denied petitioner's motion requesting that the court determine a bond amount adequate to secure real parties in interest and thus permit cancellation of real parties in interest's notice of lis pendens recorded against petitioner's hotel and casino property.


Real parties in interest recorded the notice of lis pendens based on their request in the case below for specific performance of the parties' purchase agreement for petitioner's hotel and casino property. According to petitioner, under NRS 14.015(6), the district court is required, on petitioner's request, to determine the amount, if any, of a bond necessary to secure real parties in interest against any damages from cancelling the notice of lis pendens if real parties in interest ultimately prevail below. Petitioner essentially requests that we issue a

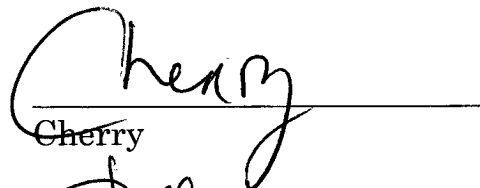
writ of mandamus directing the district court to make such a determination.

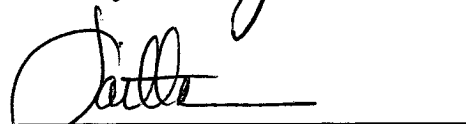
A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or arbitrary or capricious exercise of discretion.<sup>1</sup> Mandamus, moreover, is an extraordinary remedy, and the decision to entertain such a petition is addressed to our sole discretion.<sup>2</sup> Petitioner bears the burden to demonstrate that our extraordinary intervention is warranted.<sup>3</sup>

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

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

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

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

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

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

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

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

<sup>4</sup>NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. Steven R. Kosach, District Judge  
Molof & Vohl  
Kummer Kaempfer Bonner & Renshaw/Reno  
Washoe District Court Clerk