

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERRY SHLESINGER, AN
INDIVIDUAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,

Respondents,

and

FORUM SHOPS, LLC, A DELAWARE
LIMITED LIABILITY COMPANY,
Real Party in Interest.

No. 50287

FILED

OCT 12 2007

JANETTE M. BROOM
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's order denying petitioner's motion to disqualify opposing counsel. Petitioner has also filed an emergency motion requesting a stay of trial, which is set for October 22, 2007.

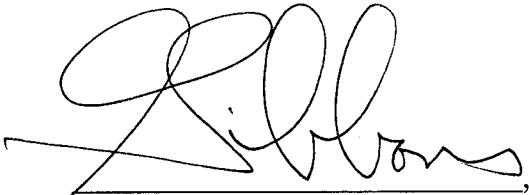
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,¹ or to control a manifest abuse of discretion or an arbitrary or capricious exercise of discretion.²

¹See NRS 34.160.

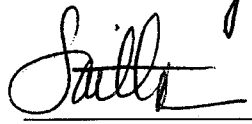
²See Nevada Yellow Cab Corp. v. Dist. Ct., 123 Nev.____, ____, 152 P.3d 737, 740 (2007).

We have reviewed the petition, and we are not persuaded that this court's intervention by way of extraordinary writ is warranted.³ Accordingly, we deny the petition.⁴

It is so ORDERED.⁵


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Susan Johnson, District Judge
Hale Lane Peek Dennison & Howard/Las Vegas
Jones Vargas/Las Vegas
Eighth District Court Clerk

³See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

⁴See NRAP 21(b).

⁵In light of this order, we deny as moot petitioner's motion for a stay.