

IN THE SUPREME COURT OF THE STATE OF NEVADA

RESIDENCE LAS VEGAS, LLC; AND  
SKY RISE DEVELOPMENT, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ALLAN R. EARL, DISTRICT JUDGE,

Respondents,

and

THE RESIDENCE AT CANYON GATE  
HOMEOWNERS ASSOCIATION, INC.,  
A NEVADA NON-PROFIT  
CORPORATION,

Real Party in Interest.

No. 50373

**FILED**

NOV 13 2007

JACQUETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
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 denying petitioners' motion to dismiss the underlying action.

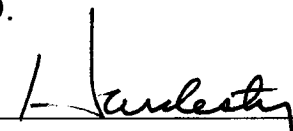
Petitioners based their motion to dismiss, in part, on real party in interest's purported failure to comply with NRS 116.31088's unit owner voting requirement for ratifying certain actions instituted by a home owner's association. Both mandamus and prohibition are extraordinary remedies, and it is within our discretion to determine if a petition will be considered.<sup>1</sup> We generally will not exercise our discretion to consider petitions for extraordinary writ relief that challenge district court orders denying motions to dismiss, unless dismissal is clearly

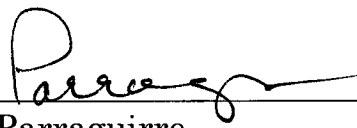
<sup>1</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

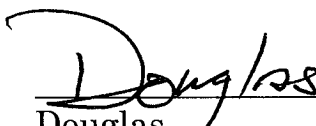
required by a statute or rule, or an important issue of law requires clarification.<sup>2</sup> In addition, a writ may be issued only when the petitioner has no plain, speedy, and adequate legal remedy.<sup>3</sup>

Petitioners bear the burden to demonstrate that our intervention by way of extraordinary relief is warranted.<sup>4</sup> Having considered this petition and its supporting documentation, we are not persuaded that our extraordinary intervention is warranted. In particular, petitioners have failed to demonstrate that this petition fits within any exception to our general policy to decline considering petitions challenging district court orders denying motions to dismiss. Moreover, we note that petitioners may appeal from any adverse final judgment in this case.<sup>5</sup> Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

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

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<sup>2</sup>Smith v. District Court, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997).

<sup>3</sup>NRS 34.170, 34.330.

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

<sup>5</sup>See id. at 224, 88 P.3d at 841.

cc: Hon. Allan R. Earl, District Judge  
Ghanem & Sullivan  
Alessi, Koenig & Quirk, LLP  
Eighth District Court Clerk