

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENN SACKS,  
Petitioner,


vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
MARK R. DENTON, DISTRICT JUDGE,  
Respondents,  
and  
JAMES CLARK,  
Real Party in Interest.

No. 50384

**FILED**

NOV 13 2007

JENNIFER M. BLOOM  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion to disqualify counsel.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.<sup>1</sup> Mandamus is an extraordinary remedy, however, and its issuance is within this court's sole discretion.<sup>2</sup> A petitioner seeking mandamus relief has the burden of demonstrating that this court's intervention is

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

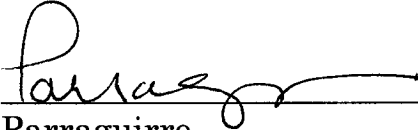
<sup>2</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).


warranted.<sup>3</sup> We have consistently held that orders in counsel disqualification matters are properly challenged by way of mandamus.<sup>4</sup>

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted. In particular, we are not persuaded that the district court manifestly abused its discretion in determining that disqualification was not warranted.<sup>5</sup> Accordingly, we deny the petition.<sup>6</sup>

It is so ORDERED.<sup>7</sup>

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

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

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

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

<sup>4</sup>See, e.g., Waid v. Dist. Ct., 121 Nev. 605, 119 P.3d 1219 (2005).

<sup>5</sup>See Nevada Yellow Cab Corp. v. Dist. Ct., 123 Nev. \_\_\_, \_\_\_, 152 P.3d 737, 743 (2007).

<sup>6</sup>See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

<sup>7</sup>In light of this order, we deny as moot petitioner's request for a stay.

cc: Hon. Mark R. Denton, District Judge  
Delanoy Schuetze & McGaha, P.C.  
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas  
Gerald I. Gillock & Associates  
Kolias Law Offices  
Lewis & Roca, LLP (formerly Beckley Singleton)  
Neil G. Galatz & Associates  
Eighth District Court Clerk