

IN THE SUPREME COURT OF THE STATE OF NEVADA

GOLF CLUB OF NEVADA, INC., A
NEVADA CORPORATION D/B/A
STALLION MOUNTAIN COUNTRY
CLUB; WILLIAM T. WALTERS, D/B/A
GOLF CLUB OF NEVADA, INC.; AND
WILLIAM T. WALTERS,
INDIVIDUALLY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DAVID WALL, DISTRICT JUDGE,
Respondents,

and

DOROTHY WANDERER,
INDIVIDUALLY; AND JOHN
WANDERER, INDIVIDUALLY,
Real Parties in Interest.

GOLF CLUB OF NEVADA, INC., A
NEVADA CORPORATION; WILLIAM T.
WALTERS, AN INDIVIDUAL; AND
THE WALTERS GROUP,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DAVID WALL, DISTRICT JUDGE,
Respondents,

and

WILLIAM J. TURNER, AN
INDIVIDUAL; KATHY TURNER, AN
INDIVIDUAL; JOHN SIEBERT, AN
INDIVIDUAL; KIM SIEBERT, AN

No. 50618

FILED

DEC 20 2007

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

INDIVIDUAL; DONALD ROSS, AN
INDIVIDUAL; MARY ROSS, AN
INDIVIDUAL; JAMES MCCABE, AN
INDIVIDUAL; JAMES ASCHEBRENER,
AN INDIVIDUAL; CHARLES JENSEN,
AN INDIVIDUAL; FRANCIS JENSEN,
AN INDIVIDUAL; SHIRLEY
BARTLETT, AN INDIVIDUAL; JOHN
KRUPSKI, AN INDIVIDUAL;
KATHLEEN KRUPSKI, AN
INDIVIDUAL; HENRY STASIUK, AN
INDIVIDUAL; MARY STASIUK, AN
INDIVIDUAL; GERALDINE
CROWDER, AN INDIVIDUAL; FLOYD
CROWDER, AN INDIVIDUAL;
RONALD KENNEDY, AN
INDIVIDUAL; CAROL KENNEDY, AN
INDIVIDUAL; DAN READE, AN
INDIVIDUAL; LINDA READE, AN
INDIVIDUAL; JOHN RIDDELL, AN
INDIVIDUAL; AND ROBERTA
RIDDELL, AN INDIVIDUAL,
Real Parties in Interest.

GOLF CLUB OF NEVADA, INC., A
NEVADA CORPORATION D/B/A
STALLION MOUNTAIN COUNTRY
CLUB; AND WILLIAM T. WALTERS,
INDIVIDUALLY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DAVID WALL, DISTRICT JUDGE,
Respondents,

and

RICH GILFOR, INDIVIDUALLY;
MILES CATANIA, INDIVIDUALLY;
AND FRANK CATANIA,

INDIVIDUALLY,
Real Parties in Interest.

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order granting oral motions for a jury trial pursuant to NRCP 39(b) and denying petitioners' motion to sever the three underlying cases for trial.

Both mandamus and prohibition are extraordinary remedies, and it is within our discretion to determine if a petition will be considered.¹ Writ relief generally is not available unless the district court manifestly abused its discretion or exercised its discretion arbitrarily or capriciously.² It is petitioners' burden, moreover, to demonstrate that our extraordinary intervention is warranted.³ Under NRAP 21(a), in order to satisfy their burden of demonstrating that extraordinary relief is warranted, petitioners must ensure that their petition includes "copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition."

Petitioners challenge the district court order granting real parties in interests' oral motions for a jury trial, made pursuant to NRCP 39(b) and denying of their motion to sever the underlying cases for trial.


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

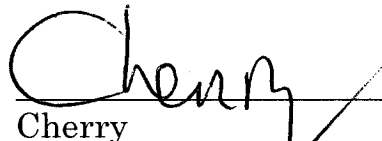
²See State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 147, 42 P.3d 233, 237-38 (2002).

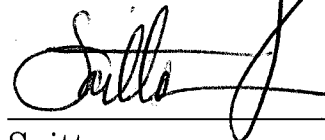
³Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Petitioners, however, have not included copies of any motions, oppositions, or replies related to either petitioners' motion to sever or the orders that initially consolidated the underlying cases. Petitioners have likewise not provided any hearing transcripts related to the consolidation of these cases. Accordingly, we conclude that petitioners have failed to meet their NRAP 21(a) burden of demonstrating that extraordinary relief is warranted,⁴ and we

ORDER the petition DENIED.⁵


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

⁴Based on the documents submitted by petitioners, it appears that the hearing at which the district court orally granted the oral motions for jury trials and denied the motion to sever was held on August 23, 2007. An order regarding that hearing was entered on September 17, 2007. Petitioners, however, waited until December 4, 2007, less than a month before trial was set to begin, to file their petition challenging these rulings. Petitioners' lack of diligence in challenging these decisions further supports our decision to deny this petition.

⁵NRAP 21(b); Smith v. District Court, 107 Nev. at 677, 818 P.2d at 851. In light of this order, we deny as moot petitioners' request for a stay.

cc: Hon. David Wall, District Judge
Bailey Kennedy
Jones Vargas/Las Vegas
Law Offices of Leslie Mark Stovall
Eighth District Court Clerk