

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER D. SLEIMAN,
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

WEST VENTURES, LP, A NEVADA
LIMITED PARTNERSHIP; WEST
VENTURES, INC., A NEVADA
CORPORATION; ANTHONY T.
SLEIMAN; ELI T. SLEIMAN; AND
JOSEPH E. SLEIMAN,
Real Parties in Interest.

No. 50837

FILED

JAN 23 2008

TRACIE K. LINDEMAN
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 refusing to expunge notices of lis pendens recorded against parcels of Florida real property.

Real parties in interest West Ventures, LP, and West Ventures, Inc., recorded the notices of lis pendens based on their request in the underlying district court case below for a constructive trust over the Florida properties. According to petitioner, the district court should have expunged the notices for at least two reasons: (1) the property owners, entities apparently created by petitioner Peter Sleiman and real party in

interest Anthony T. Sleiman, are not parties to the underlying action, and (2) real parties in interest Eli T. Sleiman and Joseph E. Sleiman, in the context of a related case in the Florida circuit court, already have filed and voluntarily withdrawn notices of lis pendens recorded against the same Florida property implicated in this case. With respect to Peter's second argument, he appears to contend that, under NRS 14.017, given Eli and Joseph's recordation and later withdrawal of notices of lis pendens in the Florida action, West Venture, LP, and West Venture, Inc. could not record notices of lis pendens in this action.¹

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.² Mandamus, moreover, is an extraordinary remedy, and the decision to entertain such a petition is addressed to our sole discretion.³ Petitioner bears the burden to demonstrate that our extraordinary intervention is warranted.⁴

¹See Coury v. Tran, 111 Nev. 652, 656, 895 P.2d 650, 656 (1995) (providing that, under NRS 14.017, a party "cannot" withdraw a notice of lis pendens, "to avoid potential legal liability, wait for the sale of the property to occur," and then renew its notice of lis pendens).

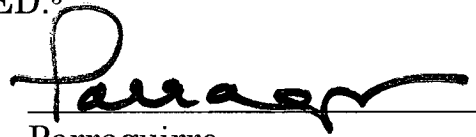
²See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

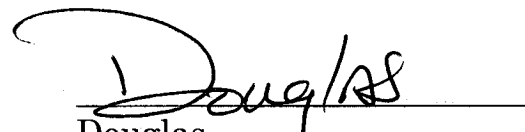
³See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

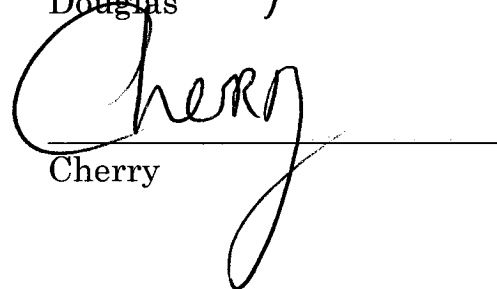
⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

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.⁵


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Susan Johnson, District Judge
Lionel Sawyer & Collins/Las Vegas
Rosenberg & Giger P.C.
Jolley Urga Wirth Woodbury & Standish
Volpe, Bajalia, Wickes, Rogerson & Wachs
Eighth District Court Clerk

⁵NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).