

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIANE FRIEDMAN, INDIVIDUALLY,
AND AS REPRESENTATIVE OF THE
ESTATE OF FRANCES SPERO,
DECEASED,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
ELISSA F. CADISH, DISTRICT JUDGE,

Respondents,

and

MARQUIS COMPANIES I, INC., D/B/A
THE PLAZA REGENCY AT SUN
MOUNTAIN, AN OREGON
CORPORATION,

Real Party in Interest.

No. 51698

FILED

JUN 12 2008

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie A. Lindeman*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order compelling arbitration.


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, or to control a manifest abuse of discretion.¹ Mandamus is an extraordinary remedy, however, and it is within our discretion to


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

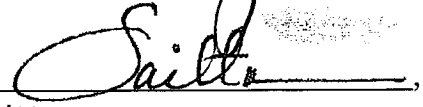
determine if a petition will be considered.² Petitioner bears the burden of demonstrating that extraordinary relief is warranted.³

Having considered the petition and its supporting documentation in light of those principles, we are not persuaded that our intervention by way of extraordinary relief is warranted. In particular, it does not appear from the hearing transcript and a review of the arbitration agreement that the district court manifestly abused its discretion by compelling arbitration. Accordingly, we

ORDER the petition DENIED.


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
Greenman Goldberg Raby & Martinez
Gordon & Rees, LLP
Eighth District Court Clerk

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

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