

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY J. REALMUTO,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SANDRA L. POMRENZE, DISTRICT  
JUDGE, FAMILY COURT DIVISION,

Respondents,

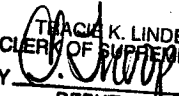
and

DENISE R. REALMUTO N/K/A DENISE  
R. OLZASKI,  
Real Party in Interest.

No. 51852

**FILED**

DEC 03 2008

TRACIA K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges an August 5, 2008, district court order that directed petitioner to comply with a December 19, 2007, oral order sanctioning petitioner for contempt and awarding real party in interest attorney fees.<sup>1</sup> In the event that petitioner failed to pay the sanctions and attorney fees by August 5, 2008, the order directed the issuance of a bench warrant for petitioner's arrest, ordered petitioner to execute a \$50,000 cash bond payable to real party in interest's attorney, and directed that, when arrested, petitioner

<sup>1</sup>The December 19 oral order directed petitioner to pay real party in interest \$60,000 for willful and material violations of the parties' divorce decree and \$40,000 in attorney fees, all of which was "reduced to judgment." By the terms of the oral order, the \$60,000 in sanctions were due no later than 60 days after December 19.

remain in custody, even in the case of depopulation at the jail, until the cash bond was paid in full.

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,<sup>2</sup> or to control a manifest abuse of discretion.<sup>3</sup> By contrast, a writ of prohibition may issue to confine the district court to the proper exercise of its prescribed jurisdiction when the court has acted in excess of its jurisdiction.<sup>4</sup> Both mandamus and prohibition are extraordinary remedies, and it is within our discretion to determine if such petitions will be considered.<sup>5</sup> Petitioner, moreover, bears the burden of demonstrating that extraordinary relief is warranted.<sup>6</sup>

Upon consideration of the petition, which cites to no legal authority and to which no supporting documents are attached, we are not satisfied that our intervention by way of extraordinary relief is warranted.<sup>7</sup> Accordingly, we

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<sup>2</sup>See NRS 34.160.

<sup>3</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

<sup>4</sup>See NRS 34.320.

<sup>5</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>6</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

<sup>7</sup>See NRAP 21(a) (stating that “[t]he petition shall contain . . . 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”); Pan, 120 Nev. at 228-29, 88 P.3d at 844.


ORDER the petition DENIED.<sup>8</sup>

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

Cherry

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

Gibbons

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

Saitta

cc: Hon. Sandra Pomrenze, District Judge, Family Court Division  
Carolyn Worrell, Settlement Judge  
Cortese Law Firm  
Gordon & Silver, Ltd.  
Eighth District Court Clerk

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<sup>8</sup>In light of this order, we vacate the temporary stay imposed by our August 5, 2008, order and extended by our October 30, 2008, order.