

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIA MASKALL,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ELIZABETH GOFF GONZALEZ,  
DISTRICT JUDGE,

Respondents,

and

BRIGID DUFFY,  
Real Party in Interest.

No. 51894

**FILED**

JUL 09 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that denied a preelection challenge to real party in interest's qualifications for office.

This court may issue a writ of mandamus 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.<sup>1</sup> Mandamus is an extraordinary remedy, however, and it is within our sole discretion to determine if a petition will be considered.<sup>2</sup> Petitioner bears the burden of demonstrating that extraordinary relief is warranted.<sup>3</sup>

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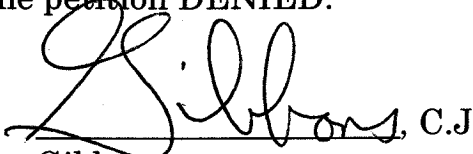
<sup>1</sup>NRS 34.160; Nevada Mining Ass'n v. Erdoes, 117 Nev. 531, 535-36, 26 P.3d 753, 756 (2001).

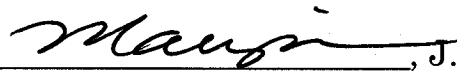
<sup>2</sup>Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

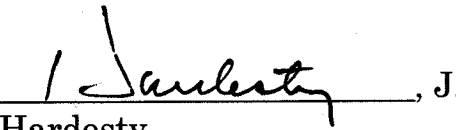
<sup>3</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

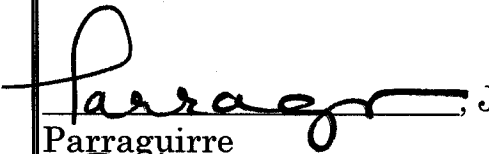
Having considered the petition and its attached documentation in light of those principles, we are not persuaded that our intervention by way of extraordinary relief is warranted.<sup>4</sup> Accordingly, we

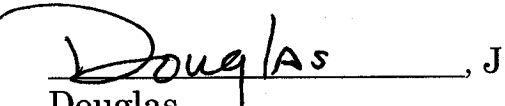
ORDER the petition DENIED.<sup>5</sup>

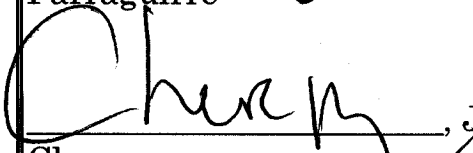
  
Gibbons, C.J.  
Gibbons

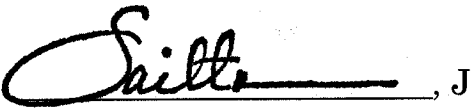
  
Maupin, J.  
Maupin

  
Hardesty, J.  
Hardesty

  
Parraguirre, J.  
Parraguirre

  
Douglas, J.  
Douglas

  
Cherry, J.  
Cherry

  
Saitta, J.  
Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Dickerson Law Group  
Lee, Hernandez, Kelsey, Brooks, Garofalo, & Blake  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger/Civil Division  
Laxalt & Nomura, Ltd./Las Vegas  
Eighth District Court Clerk

<sup>4</sup>Tam v. Colton, 94 Nev. 453, 581 P.2d 447 (1978) (noting that the time necessary to consider and, if necessary, provide extraordinary relief in the context of a writ petition filed in the midst of the election process weighed against this court exercising its discretion to consider the petition).

<sup>5</sup>We remind petitioner that she is still required to pay the supreme court filing fee by July 3, 2008, as directed in the notice served on June 23, 2008.