

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNEST RIDGLE, INDIVIDUALLY,  
AND DEIDRA RIDGLE,  
INDIVIDUALLY,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND DEPARTMENT 23, THE  
SENIOR DISTRICT COURT JUDGE,  
Respondents,

and

ABRAHAM FLORES, INDIVIDUALLY,  
AND JESSICA PEREZ AND EDWIN  
BARRIENTOS, AS HUSBAND AND  
WIFE,  
Real Parties in Interest.

No. 51901

**FILED**

JUL 10 2008

TRACIE W. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioners' motion to dismiss in a tort action.

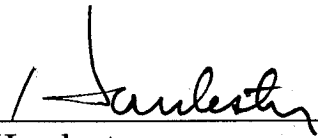
Real parties in interest Jessica Perez and Edwin Barrientos instituted the underlying district court action following a motor vehicle accident involving petitioners Ernest and Diedra Ridgle. Based on the complaint's allegations, that Perez and Barrientos are California residents, the Ridgles filed a demand for security costs under NRS 18.130. Barrientos failed to post a bond while Perez posted a bond 303 days after the demand for security costs was filed. The Ridgles moved to dismiss Perez and Barrientos's claims for failure to timely post a bond. Perez and Barrientos opposed the motion to dismiss, providing documentation

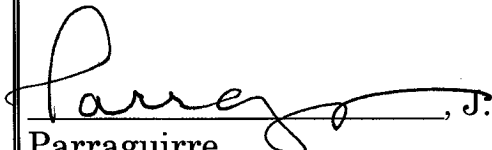
indicating that they were Nevada residents at the time the complaint was filed. The district court denied the Ridgles' motion to dismiss and this writ petition followed.

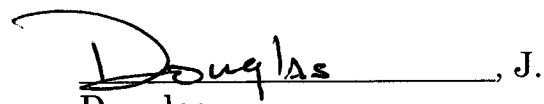
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion.<sup>1</sup> Mandamus is an extraordinary remedy, however, and it is within our discretion to determine if a petition will be considered.<sup>2</sup> Petitioner bears the burden of demonstrating that extraordinary relief is warranted.<sup>3</sup>

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. Specifically, it does not appear that the district court manifestly abused its discretion by denying petitioners' motion to dismiss. Accordingly, we

ORDER the petition DENIED.

  
Hardesty, J.

  
Parraguirre, J.

  
Douglas, J.

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

<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); NRAP 21(a).

cc: Hon. Chief Judge of the Eighth Judicial District Court  
Hon. Charles Thompson, Senior Judge  
Kravitz, Schnitzer, Sloane, Johnson & Eberhardy, Chtd.  
Arin & Associates, PC  
Eighth District Court Clerk