

IN THE SUPREME COURT OF THE STATE OF NEVADA

HORIZON HOMES, INC., A NEVADA
CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JESSIE WALSH, DISTRICT JUDGE,

Respondents,

and

KEITH CLEGG, AN INDIVIDUAL, AND
RSC HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Real Parties in Interest.

No. 53341

FILED

MAR 05 2009

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

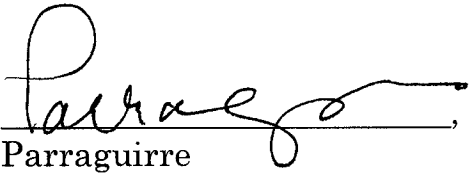
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

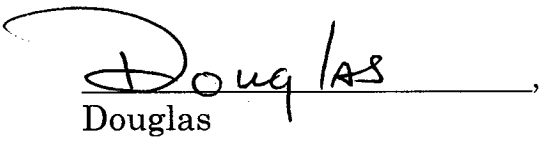
This original petition for a writ of mandamus challenges the district court's denial of petitioner's motion for an expedited trial setting.

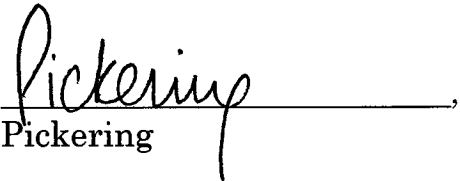
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170. A writ of mandamus is an extraordinary remedy and whether a petition for extraordinary relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, we are not satisfied that our intervention by way of extraordinary relief is warranted, and we therefore deny the petition. NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Jessie Elizabeth Walsh, District Judge
Perry & Spann/Las Vegas
Lin & Associates
Eighth District Court Clerk