

IN THE SUPREME COURT OF THE STATE OF NEVADA

MT. HAWLEY INSURANCE  
COMPANY,  
Petitioner,

vs.


THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SUSAN JOHNSON, DISTRICT JUDGE,  
Respondents,

and

JAYNES CORPORATION,  
Real Party in Interest.

No. 53422

**FILED**

APR 09 2009  
TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

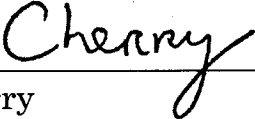
ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order granting a motion for partial summary judgment in an insurance matter.

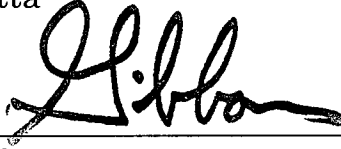
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus 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). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the petition, we conclude that our intervention by way of extraordinary relief is not warranted, and we order the petition denied. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b); see also Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 658, 6 P.3d 982, 986-87 (2000) (stating that trial and litigation expenses, while potentially substantial, do not constitute irreparable or serious harm).

It is so ORDERED.

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

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

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

cc: Hon. Susan Johnson, District Judge  
Lemons Grundy & Eisenberg  
Kemp, Jones & Coulthard, LLP  
Eighth District Court Clerk