

IN THE SUPREME COURT OF THE STATE OF NEVADA

BULLOCH BROTHERS  
ENGINEERING, INC.,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ALLAN R. EARL, DISTRICT JUDGE,  
Respondents,

and

LB PROPERTIES, INC.,  
Real Party in Interest.

No. 53443

FILED

APR 09 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to disqualify opposing counsel.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, however, and whether a petition for such relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We have recognized that mandamus is the proper method of challenging attorney disqualification orders. See, e.g., Waid v. Dist. Ct., 121 Nev. 605, 119 P.3d 1219 (2005).

We have considered this petition and its supporting documentation, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. In particular, we are not persuaded that the district court manifestly abused its discretion in determining that disqualification was not warranted. See Nevada Yellow Cab Corp. v. Dist. Ct., 123 Nev. 44, 54, 152 P.3d 737, 743 (2007). Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Allan R. Earl, District Judge  
Weil & Drage, APC  
Lincoln, Gustafson & Cercos  
Eighth District Court Clerk