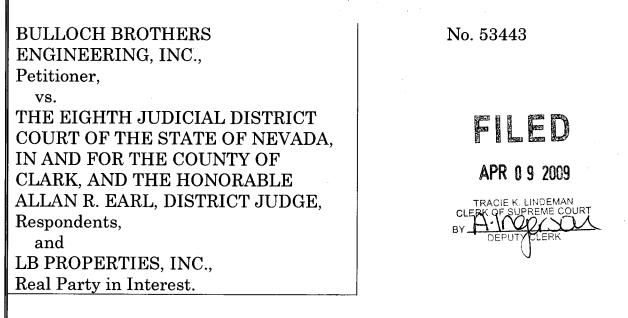
## IN THE SUPREME COURT OF THE STATE OF NEVADA



## **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. <u>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman</u>, 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. <u>See Smith v. District Court</u>, 107 Nev. 674, 818 P.2d 849 (1991). Petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. <u>Pan v. Dist. Ct.</u>, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We have recognized that mandamus is the proper method of challenging attorney disqualification orders. <u>See, e.g., Waid v.</u> <u>Dist. Ct.</u>, 121 Nev. 605, 119 P.3d 1219 (2005).

SUPREME COURT OF NEVADA



(O) 1947A

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. <u>See Nevada Yellow</u> <u>Cab Corp. v. Dist. Ct.</u>, 123 Nev. 44, 54, 152 P.3d 737, 743 (2007). Accordingly, we

ORDER the petition DENIED.

J. Cherry J. Saitta J.

Gibbons

cc:

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

 $\mathbf{2}$