

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABC UNION CAB,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT JUDGE,
AND THE HONORABLE ABBI SILVER,
DISTRICT JUDGE,

Respondents,

and

ROBERT DELILLO AND DUVER O'CONNOR,
Real Parties in Interest.

No. 53499

FILED

JUL 30 2009

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

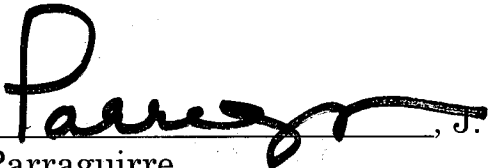
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

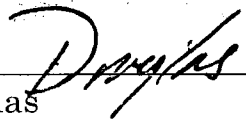
This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss and subsequent order denying reconsideration of that order.

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). A writ of mandamus may issue only when petitioner has no plain, speedy, and adequate legal remedy. NRS 34.170. 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 of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, answer, and the supporting documentation, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. See Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Abbi Silver, District Judge
Hon. Kathy A. Hardcastle, District Judge
Hutchison & Steffen, LLC
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Lewis & Roca, LLP/Las Vegas
Palmer & Associates
Eighth District Court Clerk