

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOBISTUB, LLC; PASCHINI  
HOLDINGS, LLC; AND MILES  
PASCHINI,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
STEFANY ANN MILEY, DISTRICT  
JUDGE,

Respondents,

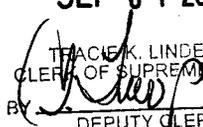
and

TRANSACT NETWORK, LTD., A  
GIBRALTER L.L.C.,  
Real Party in Interest.

No. 54482

**FILED**

**SEP 04 2009**

THACIEK 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 denying petitioners' motion to dismiss on forum non conveniens grounds.

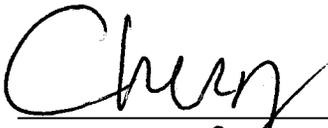
A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus relief is available only when no speedy and adequate remedy at law exists, NRS 34.170, and this court has held that an appeal is generally a speedy and adequate remedy that precludes writ relief. See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Mandamus is an extraordinary remedy, and it is within our discretion to determine if a petition will be considered. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). It is petitioners' burden to demonstrate

that our extraordinary intervention is warranted. Pan, 120 Nev. at 228, 88 P.3d at 844.

Having reviewed the petition and supporting documents,<sup>1</sup> we are not persuaded that our intervention by way of extraordinary relief is warranted. Id. Accordingly, we deny the petition. NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Douglas

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

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

---

<sup>1</sup>NRAP 21 requires that a petition be accompanied by an appendix containing all “parts of the record . . . that may be essential to understand the matter set forth in the petition.” See also Pan, 120 Nev. at 228, 88 P.3d at 844 (noting that petitioners have the burden of demonstrating that extraordinary relief is warranted). Here, petitioners have not provided copies of real party in interest’s opposition to the motion to dismiss or any reply to the opposition filed by petitioners. Additionally, although the challenged order indicates that a hearing was held, petitioners have not provided this court with a hearing transcript. Finally, we note that the copy of the challenged order attached to the petition, while filed in the district court, does not appear to have been signed by the district court judge.

<sup>2</sup>In light of this order, we deny as moot petitioners’ request for a stay.

cc: Hon. Stefany Miley, District Judge  
Olson, Cannon, Gormley & Desruisseaux  
Ballard Spahr Andrews & Ingersoll, LLP/Las Vegas  
Eighth District Court Clerk