

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUANN TERRELL AND JAMES  
TERRELL,  
Petitioners,

vs.

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

and

EDWARD HADDAD AND LANA  
CHENKO-HADDAD,  
Real Parties in Interest.

No. 54484

**FILED**

SEP 04 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF  
MANDAMUS OR PROHIBITION

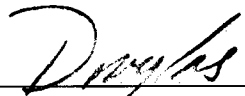
This original petition for a writ of mandamus or prohibition challenges the district court's decision to grant reconsideration of an order denying real parties in interest's motion for summary judgment

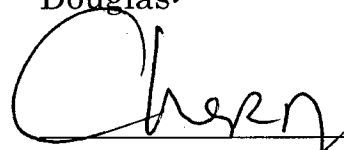
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). We may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320. Neither mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. Both mandamus and prohibition are extraordinary remedies, and whether a

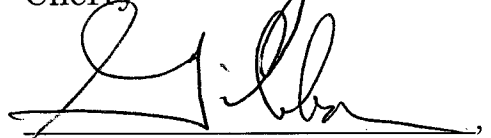
petition for extraordinary relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted, and we therefore deny the petition. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b).

It is so ORDERED.<sup>1</sup>

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

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

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

cc: Hon. Doug Smith, District Judge  
The Law Office of Dan M. Winder, P.C.  
Edgar C. Smith  
Eighth District Court Clerk

---

<sup>1</sup>In light of this order, we deny as moot petitioners' request for a stay.