

IN THE SUPREME COURT OF THE STATE OF NEVADA

WASHOE COUNTY,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
STEVEN R. KOSACH, DISTRICT
JUDGE,

Respondents,

and

SUSAN THOMPSON, AN INDIVIDUAL
AND ACTING AS EXECUTOR OF THE
ESTATE OF DAVID THOMPSON,
Real Party in Interest.

No. 54508

FILED

OCT 08 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 granting real party in interest relief under NRCP 60(b)(2), from an order granting summary judgment in petitioner's favor, and an order denying reconsideration of the order granting NRCP 60(b)(2) relief.

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). Mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy at law. 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). It is petitioner's 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)(1).

It is so ORDERED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Steven R. Kosach, District Judge
Washoe County District Attorney Richard A. Gammick /Civil
Division
Law Offices of Michael B. Springer
Washoe District Court Clerk