

IN THE SUPREME COURT OF THE STATE OF NEVADA

MERVIN Y.J. AHANA SEMI-
REVOCABLE LIVING TRUST, AND
DORIS Y. AHANA SEMI-REVOCABLE
LIVING TRUST, D/B/A AHANA
INVESTMENT COMPANY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,

and

HACIENDA MOTEL, INC., A NEVADA
CORPORATION AND GK ELITE
REALTY, INC., A NEVADA
CORPORATION,
Real Parties in Interest.

No. 54614

FILED

OCT 08 2009

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS AND PROHIBITION

This original petition for a writ of mandamus and prohibition seeks to compel the district court to grant petitioners leave to amend their complaint and to prohibit the district court from requiring the substitution of the trustees in place of the trust as plaintiffs in the underlying action.

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 petitioners have 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)(1).

It is so ORDERED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Mark R. Denton, District Judge
Kung & Associates
Lionel Sawyer & Collins/Las Vegas
Eighth District Court Clerk