

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY FALCONE; JOLENE FALCONE; FRANK HARRINGTON; PATRICIA HARRINGTON; PHYLLIS MATHEWS; PETER MCDERMOTT; JEFFREY MCDERMOTT; L.J. KUTTEN; LINDA KUTTEN; BRIAN T. RICKAUER; JOHN CARLISLE; LINDA CARLISLE; KENNETH FARMER; D'ANDRA LA PIERRE-FARMER; JAMES NOVAK; JAMES PETERSON; GLORIA PETERSON; MARK VINCENT; JOANNE CACANINDIN; ALLAN MAH; DAVID BROKASKI AND LINDA BROKASKI; ROSS B. COOLEY; RAY TESCONI; SANDRA PHELPS; PAUL WALLIS AND SHIRLEY WALLIS; DANIEL WEST AND LEAH WEST; THU A. NGUYEN; AND SARK C. AERICK, Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE, AND THE HONORABLE BRENT T. ADAMS, DISTRICT JUDGE, Respondents,

and

TICOR TITLE OF NEVADA, INC., A NEVADA CORPORATION; CORUS BANK, INC., AN ILLINOIS CORPORATION; L3 DEVELOPMENT, LLC, A NEVADA LIMITED LIABILITY COMPANY; MONTAGE MARKETING CORPORATION, A DELAWARE CORPORATION; 255 NORTH SIERRA STREET, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND FERNANDO LEAL, AN INDIVIDUAL, Real Parties in Interest.

No. 54707

FILED

NOV 06 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracy*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

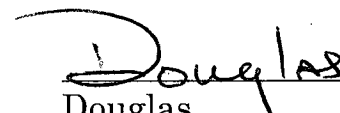
This original petition for a writ of mandamus challenges a district court order granting a motion to dismiss and compelling arbitration of the dismissed claims.


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). Whether mandamus relief will be considered is solely within this court's discretion. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Petitioners have the burden of demonstrating that writ relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the documents before us,¹ we conclude that our extraordinary intervention is not warranted. Accordingly, we

ORDER the petition DENIED.


Parraguirre, J.


Douglas, J.


Pickering, J.

¹Part of the burden of demonstrating that writ relief is warranted is addressed in NRAP 21(a), which directs petitioners to provide, among other things, copies of any parts of the record that may be essential to an understanding of the matters set forth in the petition. See Pan, 120 Nev. at 228, 88 P.3d at 844. Here, petitioners failed to provide this court with copies of any filings related to the motion granted by the district court.

cc: Hon. Brent T. Adams, District Judge
Lee T. Hotchkin Jr.
Gerrard Cox & Larsen
Maupin, Cox & LeGoy
Washoe District Court Clerk