

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANNA DOWNING, LCSW,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK,  
AND THE HONORABLE TIMOTHY C.  
WILLIAMS, DISTRICT JUDGE,

Respondents,

and

DEBORAH HUNTER TYLO;  
CHRISTOPHER M. TYLO; MICHAEL E.  
TYLO, II; AND IZABELLA G. TYLO AND  
KATYA A. TYLO, MINOR CHILDREN,  
BY AND THROUGH THEIR GUARDIAN  
DEBORAH HUNTER TYLO,  
Real Parties in Interest.

No. 54912

FILED

DEC 04 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. Moot*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

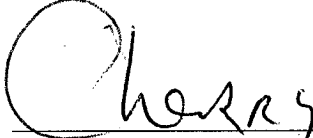
This original petition for a writ of mandamus challenges a district court order granting a motion for relief from previous orders deeming requests for admission admitted and granting summary judgment in petitioner's favor.

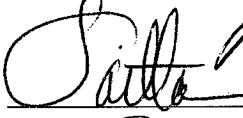
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus is an extraordinary remedy, and whether a petition will be considered is solely within this court's discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that our intervention by

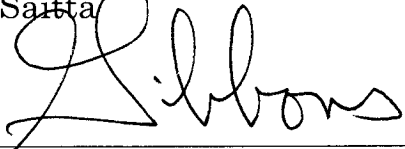
way of extraordinary relief is warranted. It is petitioners' burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of the documents before us, we conclude that our intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition. See Smith, 107 Nev. at 679, 818 P.2d at 853; NRAP 21(b)(1).

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Saitta

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

cc: Hon. Timothy C. Williams, District Judge  
Lewis Brisbois Bisgaard & Smith, LLP  
Mainor Eglet Cottle, LLP  
Eighth District Court Clerk