

IN THE SUPREME COURT OF THE STATE OF NEVADA

GASTROENTEROLOGY CENTER OF
NEVADA, LLP,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE JESSIE WALSH, DISTRICT
JUDGE,

Respondents,

and

HENRY CHANIN AND LORRAINE CHANIN,
Real Parties in Interest.

No. 55250

FILED

FEB 05 2010

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

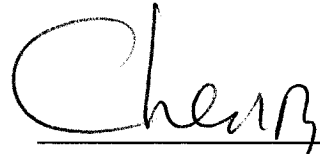
This original petition for a writ of mandamus challenges a district court order granting real parties in interest's motion to deem their ninth set of requests for admissions to petitioner admitted.

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. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

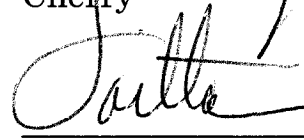
Based on our review of the documents before us, we conclude that our intervention by way of extraordinary relief is not warranted.

Accordingly, we deny the petition. See Smith, 107 Nev. at 679, 818 P.2d at 853; NRAP 21(b)(1).

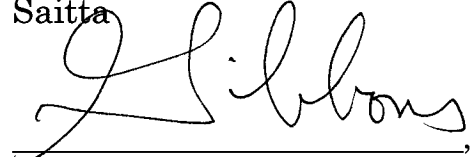
It is so ORDERED.

 _____, J.

Cherry

 _____, J.

Saitta

 _____, J.

Gibbons

cc: Hon. Jessie Elizabeth Walsh, District Judge
Lewis Brisbois Bisgaard & Smith, LLP
MacDonald Devin, PC/Dallas
Mainor Eglet Cottle, LLP
Eighth District Court Clerk