

IN THE SUPREME COURT OF THE STATE OF NEVADA

HORIZON FAMILY THERAPY &
WELLNESS, A NEVADA
CORPORATION,
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; AND
MICHAEL E. TYLO, II; IZABELLA G.
TYLO; AND KATYA A. TYLO, MINOR
CHILDREN, BY AND THROUGH
THEIR GUARDIAN DEBORAH
HUNTER TYLO,
Real Parties in Interest.

No. 55253

FILED

FEB 05 2010

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

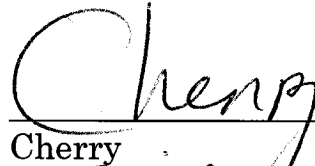
This original petition for a writ of mandamus challenges a district court order granting a motion for relief from admissions deemed admitted and an order granting summary judgment.

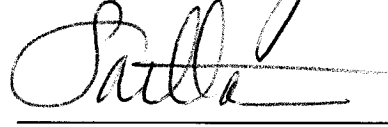
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus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

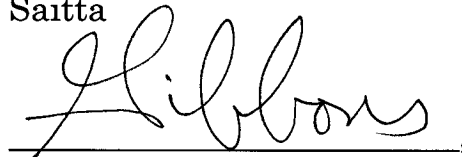
Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).
Petitioner bears the burden of demonstrating that our intervention by way
of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228,
88 P.3d 840, 844 (2004).

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. Timothy C. Williams, District Judge
Perry & Spann/Las Vegas
Mainor Eglet Cottle, LLP
Eighth District Court Clerk