

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOB'S PEAK RANCH COMMUNITY
ASSOCIATION, INC., A NEVADA
CORPORATION,

Petitioner,

vs.

DOUGLAS COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA, AND FIVE CREEK, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Respondents.

No. 55694

FILED

APR 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingledau*
DEPUTY CLERK

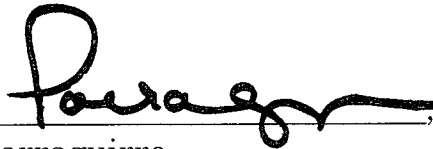
ORDER DENYING PETITION FOR WRIT OF
MANDAMUS OR PROHIBITION

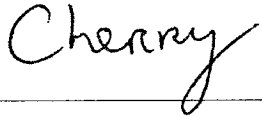
This original petition for a writ of mandamus or prohibition challenges a district court judgment in a real property action. Petitioner has also filed a pending appeal from the same judgment in Job's Peak Ranch Community Association, Inc. v. Douglas County, Docket No. 55572.

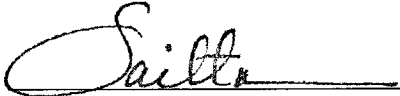
Neither a writ of mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (recognizing that the right to appeal is generally an adequate legal remedy precluding writ relief). Whether a petition for a writ of mandamus or prohibition will be considered is purely discretionary with this court. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that such extraordinary relief is warranted. Pan, 120 Nev. at 228, 88 P.3d at 844.

Having considered the petition and supporting documents, we conclude that petitioner has not met its burden of demonstrating that our intervention by way of extraordinary relief is warranted at this time. While we have, in rare cases, previously exercised our discretion to consider a petition for extraordinary relief despite the existence of an available legal remedy, the circumstances of this case do not reveal the requisite urgency and strong necessity to warrant this court's intervention by way of extraordinary relief. Barngrover v. Dist. Ct., 115 Nev. 104, 111, 979 P.2d 216, 220 (1999). Accordingly, we deny the petition. NRAP 21(b)(1); Smith, 107 Nev. 674, 818 P.2d 849.

IT IS SO ORDERED.


_____, C.J.
Parraguirre


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Michael Gibbons, District Judge
Kelly R. Chase
Brooke Shaw Zumpft
Douglas County District Attorney/Minden
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Douglas County Clerk