

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARYLAND SQUARE, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND MARYLAND SQUARE SHOPPING CENTER LIMITED LIABILITY COMPANY, A NEVADA LIMITED LIABILITY COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE ALLAN R. EARL, DISTRICT JUDGE,

Respondents,

PETER J. VOGGENTHALER; KRISTINE D. PAGADUAN; PETER LEARNED; BRENDA CHAFFIN; HERMANN ROSNER; CHARLES E. AND VERNA R. WALKER; TERRI L. HALE; ROGER A. ET AL ABURTO; MICHAEL KATZ; CATHARINA A. PERQUIN; KRISTIAN J, MEIER; FRED PINJUV, AS TRUSTEE OF THE FRED PINJUV TRUST; CHARLES PAUL BENNETT; RICHARD CONRAD AND ROSEMARIE LUJAN-CONRAD; NIKOLAS KONSTANTINOU; MARGARET R. AND MARGARET L. HOPPE; BENJAMIN B. AND MARENDA CHILDS; JACK R. AND OFELIA YENCHEK; FRANK LOCKWOOD, JR. AND JANICE LOCKWOOD; CLIFFORD L. AND SHARON G. ROGERS; THOMAS F. PAPAGNA, AS TRUSTEE OF THE THOMAS F. AND ANITA PAPAGNA 1998 TRUST; MARK A. MOSCHELLO AND ANGELO MOIO; FARAMARZ FAYEGHI AND SHELLIE SHAN; AND RICHARD FALEN, ALL INDIVIDUALLY AND AS PLAINTIFF CLASS REPRESENTATIVES, Real Parties in Interest.

No. 55742

**FILED**

APR 29 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 certifying a class in a real property action.


A writ of mandamus is an extraordinary remedy, and it is within this court's discretion to determine if a petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear the burden of demonstrating that extraordinary writ relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and appendices, we conclude that petitioners have not met their burden of demonstrating that our intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition. NRAP 21(b)(1); Smith, 107 Nev. 674, 818 P.2d 849.

It is so ORDERED.<sup>1</sup>

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

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

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

cc: Hon. Allan R. Earl, District Judge  
Dongell Lawrence Finney LLP  
Marquis & Aurbach  
Greiben & Associates  
Robertson & Vick, LLP  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we deny petitioners' stay motion as moot.