

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIM SPEAR,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT OF  
THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND THE  
HONORABLE KATHLEEN E. DELANEY,

Respondents,

and

NOEL THOMPSON; AND JILL  
THOMPSON,

Real Parties in Interest.

No. 56825

**FILED**

DEC 29 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY [Signature]  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion for summary judgment in a real property action.

A writ of mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. NRS 34.160; Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). A writ will not issue when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law, such as an appeal. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). A petitioner seeking extraordinary relief has the burden of demonstrating that this court's intervention is warranted. Id. at 228-29, 88 P.3d at 844. Generally, we will not exercise our discretion to consider writ petitions that challenge district court orders denying summary judgment motions unless no disputed factual issues remain and summary judgment is clearly required by a statute or rule, or an important issue of law requires

clarification. Smith v. District Court, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997).

Having considered the petition and appendix, we are not satisfied that our intervention by way of extraordinary relief is warranted, as no important issue of law requires clarification and disputed factual issues remain as to petitioner's knowledge of the dual agent's actions and representations. Id. Accordingly, we deny the petition. NRAP 21(b)(1).

It is so ORDERED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge  
M. Nelson Segel  
Shumway Van & Hansen  
Eighth District Court Clerk