

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES R. LA FRIEDA, AN
INDIVIDUAL; ELLEN A. LA FRIEDA,
AN INDIVIDUAL; AND RICHARD
TAYLOR, AN INDIVIDUAL,
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
CONNIE J. STEINHEIMER, DISTRICT
JUDGE,

Respondents,

and

BUILDING CONCEPTS, INC., A
NEVADA CORPORATION,
Real Party in Interest.

No. 58390

FILED

JUN 09 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Lindeman*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

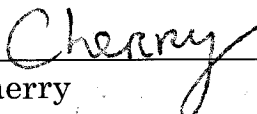
This original petition for a writ of mandamus challenges multiple district court orders requiring petitioners to allow real party in interest to perform repairs in a construction defect action.


A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion, NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008), in cases in which “there is not a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170. Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991).

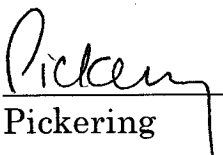
Petitioners bear the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Under NRAP 21(a)(4), a petition for extraordinary relief must provide this court with “any order or opinion” of the district court and any and all materials that are “essential to understand the matters set forth in the petition.”

Here, petitioners have failed to provide all the necessary documentation from the district court proceedings for us to properly evaluate the merits of this petition. Specifically, petitioners have not provided copies of two of the written orders that petitioners seek to challenge or all the relevant district court motion pleadings associated with the challenged orders. Additionally, the writ petition failed to adequately demonstrate that the law clearly required the result sought by petitioners. International Game Tech., 124 Nev. at 197, 179 P.3d at 558; Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, our intervention by way of extraordinary relief is not warranted, see NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851, and we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Law Office of James Shields Beasley
Fahrendorf, Viloría, Oliphant & Oster, LLP
Washoe District Court Clerk