

IN THE SUPREME COURT OF THE STATE OF NEVADA

THREE SEAS, LLC,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JEROME T. TAO, DISTRICT JUDGE,

Respondents,


and

WELLS FARGO BANK MINNESOTA,
N.A. AS TRUSTEE FOR THE
REGISTERED HOLDERS OF CREDIT
SUISSE FIRST BOSTON MORTGAGE
SECURITIES CORP.; COMMERCIAL
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2001-CK6, BY
AND THROUGH MIDLAND LOAN
SERVICES, INC., AS ITS SPECIAL
SERVICER,
Real Parties in Interest.

No. 59182

FILED

APR 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying an NRCP 60(b) motion to reconsider an order denying a motion to dismiss in an action to appoint a receiver.

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). Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170, extraordinary relief may be available. Smith v. District Court, 107 Nev.

674, 677, 679, 818 P.2d 849, 851, 853 (1991). A writ of mandamus is an extraordinary remedy, and whether such a writ will be considered is within this court's sole discretion. Id. at 677, 818 P.2d at 851. It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Jerome T. Tao, District Judge
Michael P. Kimbrell
Martin Law Group
Lewis & Roca, LLP/Las Vegas
Eighth District Court Clerk

¹In light of this order, we vacate the stay entered on March 13, 2012.