

IN THE SUPREME COURT OF THE STATE OF NEVADA

UPONOR INC.,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ELIZABETH GOFF GONZALEZ,

Respondents,

and

THE DESERT PINE VILLAS  
HOMEOWNERS ASSOCIATION, A  
NEVADA NON-PROFIT  
CORPORATION,  
Real Party in Interest.

No. 59831

FILED

APR 13 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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 order granting a motion to disqualify Judge Allan R. Earl.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677 818 P.2d 849, 851 (1991). It is within this court's discretion to determine if a writ petition will be considered. Smith, 107 Nev. at 677, 818 P.2d at 851. Petitioners

bear the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, we conclude that petitioner has not met its burden of demonstrating that our intervention by way of extraordinary relief is warranted. Id. at 228, 88 P.3d at 844. Accordingly, we deny the petition. Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1).

It is so ORDERED.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Bremer Whyte Brown & O'Meara, LLP  
Grotefeld, Hoffman, Schleiter, Ochoa & Gordon  
Canepa Riedy & Rubino  
Carraway & Associates  
Kemp, Jones & Coulthard, LLP  
Lynch, Hopper & Salzano, LLP  
Robert C. Maddox & Associates/Reno  
Maddox, Isaacson & Cisneros, LLP  
Eighth District Court Clerk