

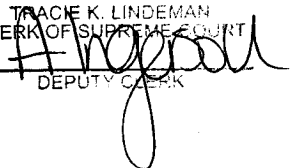
IN THE SUPREME COURT OF THE STATE OF NEVADA

CARDNO WRG, INC., A DELAWARE
CORPORATION F/K/A WRG DESIGN,
INC.,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
STEVEN R. KOSACH, DISTRICT
JUDGE,
Respondents,
and
DAVID HALL,
Real Party in Interest.

No. 59974

FILED

OCT 29 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION


This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order granting a motion to dismiss a third-party complaint seeking indemnity and contribution in a contract and tort action.

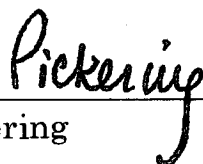
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170; NRS 34.330, extraordinary relief may be available. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Either writ is an extraordinary remedy, and whether writ

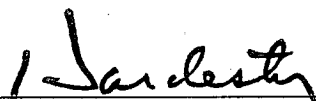
relief will be considered is within our sole discretion. Id. at 677, 818 P.2d at 851. It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, real party in interest's answer, petitioner's reply, and the supporting documents, 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.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Steven R. Kosach, District Judge
Johns & Durrant, LLP
Erickson Thorpe & Swainston, Ltd.
Washoe District Court Clerk