

IN THE SUPREME COURT OF THE STATE OF NEVADA

RIVERWALK TOWER UNIT-OWNERS'  
ASSOCIATION,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF WASHOE;  
AND THE HONORABLE MICHAEL  
MONTERO, DISTRICT JUDGE,  
Respondents,  
and  
CHAIM FREEMAN; AND SHEVACH, INC.,  
Real Parties in Interest.

No. 60287

FILED

FEB 27 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *A. Angroul*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting a motion for directed verdict.

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 our sole discretion. Id. 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. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.  
Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Douglas, J.  
Douglas

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Michael Montero, District Judge  
Robert C. Maddox & Associates/Reno  
Castronova Law Offices, P.C.  
Washoe District Court Clerk

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<sup>1</sup>In light of this order, petitioner's emergency motion for stay of trial is denied.