

IN THE SUPREME COURT OF THE STATE OF NEVADA

HUMPHREYS & PARTNERS
ARCHITECTS, NEVADA, LLC,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE JAMES M.
BIXLER, DISTRICT JUDGE,
Respondents,
and
NANCY LOEB; RANCHO ROAD
DEVELOPMENT COMPANY, LLC;
JORDAN & SCALLA ENGINEERS, INC.;
PARADISE LAS VEGAS, LLC; AND CB
RICHARD ELLIS CORPORATE
FACILITIES MANAGEMENT, INC.,
Real Parties in Interest.

No. 60403

FILED

AUG 08 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges district court orders denying petitioner's motions to dismiss and for summary judgment in a tort action.

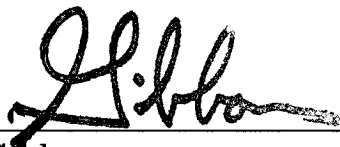
A writ of mandamus may be issued "to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station." International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); see also NRS 34.160. A writ of mandamus is only available when the petitioner has no speedy and adequate remedy at law. NRS 34.170. It is within this court's discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears 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 and the attached documents, we conclude that petitioner has not provided this court with all essential documents, and has thus failed to demonstrate that extraordinary relief is warranted. Id., at 228-29, 88 P.3d at 844; NRAP 21(a)(4). In particular, petitioner did not provide this court with any opposition or reply briefs to the motions filed below. Furthermore, petitioner failed to submit the required affidavit of the beneficially interested party or its attorney with its petition. NRS 34.170; NRAP 21(a)(5); see also NRS 15.010(1) and (2) (governing verification of pleadings by affidavit). Accordingly, we deny the petition. Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1). Our denial of this petition is without prejudice, however, to petitioner's right to file a new petition for extraordinary relief in this court accompanied by all necessary supporting documents and the required affidavit.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. James M. Bixler, District Judge
Hall Jaffe & Clayton, LLP
Pyatt Silvestri & Hanlon
The Doyle Firm, P.C.
Stovall & Associates
Eighth District Court Clerk