

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAWN ALEXANDRA PROFANT,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
JANET J. BERRY, DISTRICT JUDGE,
Respondents,
and
OPTION ONE MORTGAGE COMPANY;
PREMIER TRUST DEED SERVICES,
INC.; PARTNERS MORTGAGE
CORPORATION, INC., A FOREIGN
CORPORATION; WELLS FARGO
BANK, N.A.; POWER DEFAULT
SERVICES; T.D. SERVICE COMPANY,
A FOREIGN CORPORATION; LSI
TITLE COMPANY; AND STANLEY S.
SILVA, A NEVADA RESIDENT,
Real Parties in Interest.

No. 60516

FILED

MAY 11 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 denying class certification in a wrongful foreclosure 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

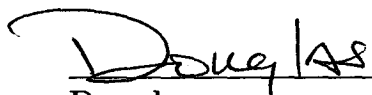
course of law, NRS 34.170; NRS 34.330, extraordinary relief may be available. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Either writ is an extraordinary remedy, and whether such a writ will be considered is within this court's sole discretion. Id. at 677, 818 P.2d 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).

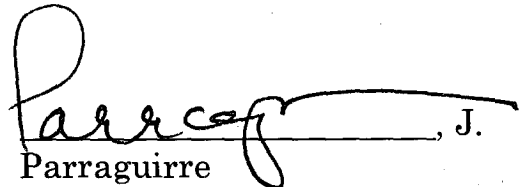
Having considered the petition and its supporting documents, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.

Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Janet J. Berry, District Judge
Hager & Hearne
Fidelity National Law Group
Kaempfer Crowell Renshaw Gronauer & Fiorentino
Lionel Sawyer & Collins/Reno
McCarthy & Holthus, LLP/Las Vegas
Robison Belaustegui Sharp & Low
Severson & Werson
Tiffany & Bosco, P. A.
Washoe District Court Clerk