

IN THE SUPREME COURT OF THE STATE OF NEVADA

VANGUARD PIPING SYSTEMS, INC.
N/K/A VG PIPE, LLC; VIEGA, LLC;
VANGUARD INDUSTRIES, INC.; AND
VIEGA, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,

Respondents,

and

AVENTINE-TRAMONTI
HOMEOWNERS ASSOCIATION,
Real Party in Interest.

No. 60787

FILED

JUN 15 2012

FRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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 leave to amend the complaint to add a claim for strict products liability in a construction defect 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). Where there is no plain, speedy, and adequate remedy in the ordinary course of law, extraordinary relief may be available. NRS 34.170; Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Whether a writ of mandamus will be considered is within our sole discretion. Id. at 677, 818 P.2d at 851. It is petitioners' 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

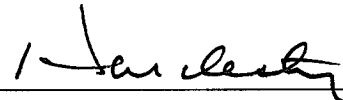
ORDER the petition DENIED.



_____, J.
Saitta



_____, J.
Pickering



_____, J.
Hardesty

cc: Hon. Susan Johnson, District Judge
Carroll, Burdick & McDonough, LLP
Lincoln, Gustafson & Cercos
Lynch, Hopper & Salzano, LLP
Kemp, Jones & Coulthard, LLP
Carraway & Associates
Robert C. Maddox & Associates/Reno
Canepa Riedy & Rubino
Eighth District Court Clerk