

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE M. FOUST AND BECKY H. FOUST, AS HUSBAND AND WIFE; SHEILA K. STUPPY; NICHOLE HENDERSON; DAVID DESORMEAU; DARLENE M. TURGEON; JAMES MILLER; CYNTHIA PRESTIA; PIROOZ P. (PERRY) CHAMANI; AND FAYE A. CHAMANI, Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE TIMOTHY C. WILLIAMS, DISTRICT JUDGE

Respondents,

and

WELLS FARGO, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; AND AMERICAN HOME MORTGAGE SERVICES, INC.,  
Real Parties in Interest.

No. 61073

**FILED**

JUL 27 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus seeking to compel the district court to grant 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). 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). 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).

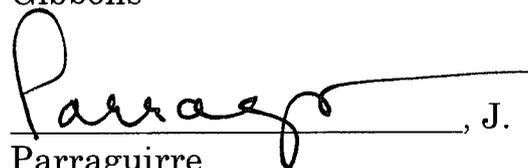
Having considered the petition and its supporting documents, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.

Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Timothy C. Williams, District Judge  
Chris Sullivan Law Firm  
Christopherson Law Offices  
Wright, Finlay & Zak, LLP/Las Vegas  
Wright, Finlay & Zak, LLP/Newport Beach  
Eighth District Court Clerk