

IN THE SUPREME COURT OF THE STATE OF NEVADA

MGM MIRAGE; MGM MIRAGE, INC.;
NEW YORK-NEW YORK HOTEL &
CASINO, LLC; AND NEW YORK-NEW
YORK TOWER, LLC,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE KATHY A.
HARDCASTLE, DISTRICT JUDGE.

Respondents,

and

CARRIE ZERAVICA,

Real Party in Interest.

No. 61164

FILED

JUL 26 2012

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

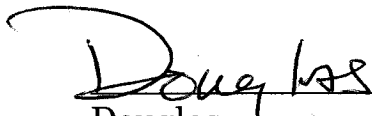
This is an original petition for a writ of mandamus challenging a district court order denying a summary judgment motion in a tort action.

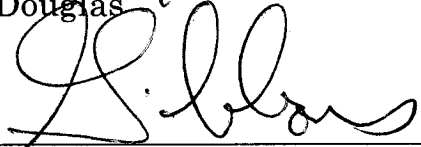
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

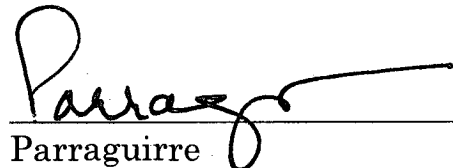
Having considered the writ petition and the documents attached thereto, we conclude that petitioners have not demonstrated that

extraordinary relief is warranted at this time. Id. Accordingly, we deny the writ petition. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
Kravitz, Schnitzer, Sloane & Johnson, Chtd.
Ales & Bryson
Ogg, Cordes, Murphy & Ignelzi, LLP
Eighth District Court Clerk

¹Although the title of petitioners' writ petition indicates that they are also moving this court for a temporary stay, no such request was made in the text of the writ petition. In any event, in light of this order, any such request is denied.