

IN THE SUPREME COURT OF THE STATE OF NEVADA

NORTH AMERICAN PROPERTIES, A
PARTNERSHIP COMPOSED OF
TIMOTHY S. HEERS; GARY R. HEERS;
CHERYL D. NOLTE; TERRIE D.
HEERS; AND CATHLEEN J. HEERS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JEROME T. TAO, DISTRICT JUDGE,
Respondents,

and

MCCARRAN INTERNATIONAL
AIRPORT; AND CLARK COUNTY, A
POLITICAL SUBDIVISION OF THE
STATE OF NEVADA,
Real Parties in Interest.

No. 61461

FILED

AUG 15 2012

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order denying a motion to stay the district court proceedings.

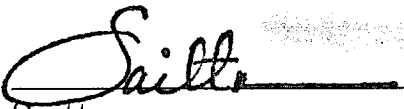
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether a petition for mandamus or prohibition relief will be considered is purely discretionary with this court. Smith v. District Court, 107 Nev.

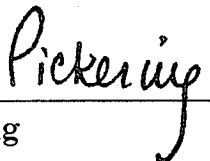
674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

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

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Saitta


_____, J.
Pickering

cc: Hon. Jerome T. Tao, District Judge
John Peter Lee Ltd.
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Eighth District Court Clerk

¹Petitioner's emergency motion for a stay of the district court proceedings is denied as moot in light of this order.