

IN THE SUPREME COURT OF THE STATE OF NEVADA

RADIANT TECHNOLOGIES, INC.,
Petitioner,

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, A NEVADA NON-
PROFIT CORPORATION,

Real Party in Interest.

No. 61519

OETIKER, INC.; AND OETIKER GROUP,
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, A NEVADA NON-
PROFIT CORPORATION,

Real Party in Interest.

No. 61596

FILED

SEP 28 2012

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

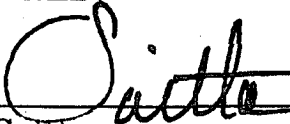
ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR
PROHIBITION IN DOCKET NO. 61519 AND PETITION FOR WRIT OF
MANDAMUS IN DOCKET NO. 61596

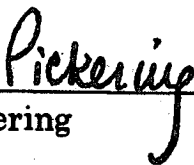
Docket No. 61519 is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to trifurcate the claims in the underlying action. Docket No. 61596 is an original petition for a writ of mandamus challenging that same order. These petitions are not consolidated.

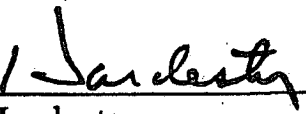
A writ of mandamus may be issued "to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station." International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); see also NRS 34.160. A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. 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 petitions, answers, and appendices filed in these matters, we conclude that petitioners have not demonstrated that our intervention by way of extraordinary relief is warranted, id., and we therefore deny the petitions. See Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.¹


Saitta, J.


Pickering, J.


Hardesty, J.

¹We vacate the August 22, 2012, temporary stay of the deadline for filing pre-trial motions and motions in limine entered in Docket No. 61519. As this deadline has since passed, we defer to the district court with regard to the determination of any new deadline for filing such motions. Additionally, in light of this order, we deny as moot the motions for stay filed in both petitions. In Docket No. 61596, we have considered petitioners' reply to real party in interest's opposition to the stay motion filed in that matter, which was incorporated into petitioners' motion for leave to file that document. As a result, the motion for leave to file a reply is granted.

cc: Hon. Susan Johnson, District Judge
Grotefeld, Hoffman, Schleiter, Ochoa & Gordon
Bremer Whyte Brown & O'Meara, LLP
Kemp, Jones & Coulthard, LLP
Carraway & Associates
Robert C. Maddox & Associates/Reno
Canepa Riedy & Rubino
Lynch, Hopper & Salzano, LLP
Lincoln, Gustafson & Cercos
Maddox, Isaacson & Cisneros, LLP
Eighth District Court Clerk