

IN THE SUPREME COURT OF THE STATE OF NEVADA

BASELINE NEVADA, LLC, A NEVADA LIMITED LIABILITY COMPANY; SOUTH MOUNTAIN CORPORATION, A NEVADA CORPORATION; AARON WALLACE, AN INDIVIDUAL; JEROME F. SNYDER, A MARRIED INDIVIDUAL; DIANE R. SNYDER, A MARRIED INDIVIDUAL; JEROME F. SNYDER AS TRUSTEE OF THE JEROME F. SNYDER AND DIANE R. SNYDER REVOCABLE FAMILY TRUST DATED JANUARY 27, 1999; MARK HEESE, AN INDIVIDUAL; MARK HEESE AND SANDRA HEESE AS TRUSTEES OF THE MARK AND SANDRA HEESE FAMILY TRUST, DATED APRIL 6, 1990,  
Petitioners,  
vs.  
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE MARK R. DENTON, DISTRICT JUDGE,  
Respondents,  
and  
2010-1 RAD/CADC VENTURE, LLC AS SUCCESSOR IN INTEREST TO FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR COMMUNITY BANK OF NEVADA, A NEVADA BANKING CORPORATION,  
Real Parties in Interest.

No. 61673

**FILED**

NOV 16 2012

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


ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order denying summary judgment.

“A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion.” International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (citations omitted); see NRS 34.160. It is within this court’s discretion to determine whether a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners’ burden to demonstrate that this court’s extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. Moreover, this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

We have considered this petition, and we are not satisfied that this court’s intervention by way of extraordinary relief is warranted at this time. Id. Specifically, we conclude that petitioners have a plain, speedy, and adequate remedy in the form of an appeal from any adverse final judgment. Id. Accordingly, we

ORDER the petition DENIED.

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

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

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

cc: Hon. Mark R. Denton, District Judge  
Marquis Aurbach Coffing  
Greenberg Traurig, LLP/Las Vegas  
Eighth District Court Clerk