

IN THE SUPREME COURT OF THE STATE OF NEVADA

CROWN LIMITED; CROWN SERVICES
(US) LLC; AND JAMES PACKER,
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

BRIGADE LEVERAGED CAPITAL
STRUCTURES FUND, LTD.; BATTALION
CLO 2007-I LTD.; CANPARTNERS
INVESTMENTS IV, LLC; CASPIAN
CAPITAL PARTNERS, L.P.; CASPIAN
SELECT CREDIT MASTER FUND, LTD.;
MARINER LDC; CASPIAN ALPHA LONG
CREDIT FUND, L.P.; CASPIAN SOLITUDE
MASTER FUND, L.P.; OLYMPIC CLO I
LTD.; SHASTA CLO I, LTD.; WHITNEY CLO
I LTD.; SAN GABRIEL CLO I LTD.; SIERRA
CLO II LTD.; ING PRIME RATE TRUST;
ING SENIOR INCOME FUND; ING (L)
FLEX-SENIOR LOANS; ING INVESTMENT
MANAGEMENT CLO I, LTD.; ING
INVESTMENT MANAGEMENT CLO II,
LTD.; ING INVESTMENT MANAGEMENT
CLO III, LTD.; ING INVESTMENT
MANAGEMENT CLO IV, LTD.; ING
INVESTMENT MANAGEMENT CLO V,
LTD.; PHOENIX CLO I, LTD.; PHOENIX
CLO II, LTD.; PHOENIX CLO III, LTD.;
VENTURE II CDO 2002 LIMITED;
VENTURE III CDO LIMITED; VENTURE IV
CDO LIMITED; VENTURE V CDO
LIMITED; VENTURE VI CDO LIMITED;
VENTURE VII CDO LIMITED; VENTURE
VIII CDO LIMITED; VENTURE IX CDO
LIMITED; VISTA LEVERAGED INCOME

No. 62037

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

FUND; VEER CASH FLOW CLO, LIMITED;
MONARCH MASTER FUNDING LTD.;
NORMANDY HILL MASTER FUND, L.P.;
GENESIS CLO 2007-1 LTD.; SCOGGIN
CAPITAL MANAGEMENT II LLC;
SCOGGIN INTERNATIONAL FUND LTD;
SCOGGIN WORLDWIDE FUND LTD; SPCP
GROUP, LLC; SOLA LTD.; SOLUS CORE
OPPORTUNITIES MASTER FUND LTD.;
VENOR CAPITAL MASTER FUND, LTD.;
FONTAINEBLEAU RESORTS, LLC;
TURNBERRY RESIDENTIAL LIMITED
PARTNER, L.P.; TURNBERRY WEST
CONSTRUCTION, INC.; JEFFREY SOFFER;
ALBERT "SONNY" KOTITE; BRUCE
WEINER; GLENN SCHAEFFER; JAMES
FREEMAN; DEVENDRA "DEVEN" KUMAR;
HOWARD KARAWAN; AND UNION LABOR
LIFE INSURANCE COMPANY,
Real Parties in Interest.


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

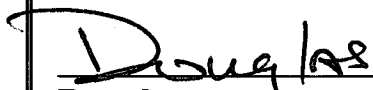
This is an original petition for a writ of mandamus challenging a district court order denying petitioners' motion to dismiss a complaint in a tort action.

"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." *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 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. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the

petition, answer, reply, and supporting documents, we conclude that petitioners have not demonstrated that our intervention by way of extraordinary relief is warranted. *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Mark R. Denton, District Judge
Fennemore Craig Jones Vargas/Las Vegas
Skadden, Arps, Slate, Meagher & Flom LLP
Brownstein Hyatt Farber Schreck, LLP/Las Vegas
Carbajal & McNutt, LLP
Curtis, Mallet-Prevost, Colt & Mosle, LLP
Freidin & Dobrinsky, PA
Gibson, Dunn & Crutcher LLP/Los Angeles
Klehr Harrison Harvey Branzburg LLP
Kluger, Kaplan, Silverman, Katzen & Levine, P.L.
Kolesar & Leatham, Chtd.
Lionel Sawyer & Collins/Las Vegas
McKool Smith P.C.
Morris Law Group
Pisanelli Bice, PLLC
Randolph Law Firm, P.C.
Sylvester & Polednak, Ltd.
Trombley & Hanes
Wilkes & McHugh, P.A.
Williams Connolly LLP
Eighth District Court Clerk