

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAW FOSTER HOMES, INC.;
RICHARD SHAW AND CHRISTY
SHAW,
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE AND THE HONORABLE
SCOTT N. FREEMAN, DISTRICT
JUDGE,

Respondents,
and

MARILYN SADLER AND JEFF
KINDER,
Real Parties in Interest.

No. 62161

FILED

MAR 15 2013

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

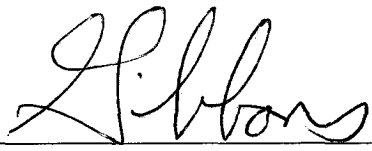
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

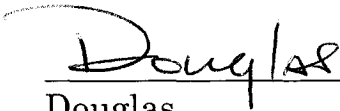
This is an original petition for a writ of mandamus challenging a district court's denial of petitioners' motion to dismiss for failing to comply with the requirements of NRCP 16.1.

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. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

Having considered the petition and supporting documents, we conclude that our intervention by way of extraordinary relief is not warranted. Id. Accordingly, we deny the petition. See NRAP 21(b)(1).

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Scott N. Freeman, District Judge
Alverson Taylor Mortensen & Sanders
Steven J. Klearman & Associates
Washoe District Court Clerk