

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROSS DRESS FOR LESS, INC.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE JERRY A.
WIESE, DISTRICT JUDGE,
Respondents,
and
PAULINE D. ORTIZ,
Real Party in Interest.

No. 62283

FILED

MAR 15 2013

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

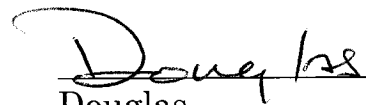
This is an original petition for a writ of mandamus challenging a district court's denial of petitioner's motion to dismiss for failing to comply with the requirements of NRC 16.1.

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. Jerry A. Wiese, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Bourassa Law Group, LLC
Eighth District Court Clerk