

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIANA S. EMERY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

Respondents,
and

LAS VEGAS SANDS, LLC, A NEVADA
LIMITED LIABILITY COMPANY D/B/A
THE VENETIAN RESORT HOTEL
CASINO/THE PALAZZO RESORT
HOTEL CASINO,
Real Parties in Interest.

No. 63055

FILED

APR 24 2013

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


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion for a jury trial.

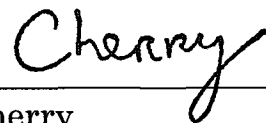
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). The issuance of a writ of mandamus is purely discretionary with this court. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Having

considered the petition, we conclude that it should be denied. *See id.*;
NRAP 21(b). We further deny as moot petitioner's April 23, 2013, stay
motion.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Timothy C. Williams, District Judge
Daniel J. Albrechts, Ltd.
Lewis & Roca, LLP/Las Vegas
Eighth District Court Clerk