

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANN GRALNICK,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE J.
CHARLES THOMPSON, SENIOR
JUDGE,
Respondents,
and
SUSAN ROWE-GRALNICK,
PERSONAL REPRESENTATIVE FOR
THE ESTATE OF ALAN GRALNICK,
Real Parties in Interest.

No. 63403

FILED

JUN 21 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

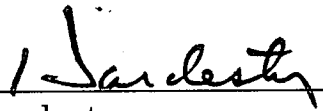
This emergency original petition for writ of mandamus, or alternatively prohibition, challenges a district court ruling declining to enforce a previous order directing real party in interest to return previously disbursed funds.

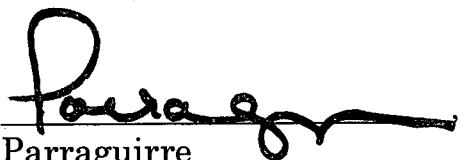
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether a petition for mandamus or prohibition relief will be considered is purely discretionary with this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary

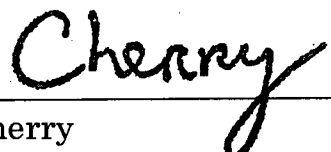
intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Petitioner has not provided a written order from either the May 29 or June 6, 2013, hearings that petitioner appears to be challenging.¹ This petition is therefore improper, as an oral order is ineffective because the district court remains free to reconsider the issue. *Div. of Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004). Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Moran Law Firm, LLC
Abrams Law Firm, LLC
Eighth District Court Clerk

¹Petitioner has also not provided the transcripts from either the May 29 or June 6, 2013, hearings.