

IN THE SUPREME COURT OF THE STATE OF NEVADA

VERNON SMITH, M.D.,
 Petitioner,
 vs.
 THE EIGHTH JUDICIAL DISTRICT
 COURT OF THE STATE OF NEVADA,
 IN AND FOR THE COUNTY OF
 CLARK; AND THE HONORABLE
 KENNETH C. CORY, DISTRICT
 JUDGE,
 Respondents,
 and
 JOSEPH KOTLYN, INDIVIDUALLY
 AND AS SPECIAL ADMINISTRATOR
 OF THE ESTATE OF AMADA KOTLYN;
 AND MICHELLE BURNETT,
 INDIVIDUALLY,
 Real Parties in Interest.

No. 63729

FILED

MAY 29 2015

TRACIE K. LINDEMAN
 CLERK OF SUPREME COURT
 BY S. Young
 DEPUTY CLERK

ORDER DENYING PETITION


This original petition for a writ of mandamus challenges a district court order extending the time for service of process under NRCP 4(i) and authorizing service by publication in the underlying tort action. The challenged order was entered in response to an order of this court granting in part a prior petition for a writ of mandamus in the same underlying district court action. *Smith v. Eighth Judicial Dist. Court*, Docket No. 59300 (Order Granting in Part Petition for Writ of Mandamus, November 29, 2012).

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. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Petitioner bears the burden of demonstrating that writ relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered petitioner's arguments and the documents before us, we conclude that our intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition. NRAP 21(b)(1); *Smith v Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (issuance of a writ of mandamus is purely discretionary with this court).

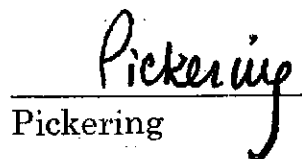
It is so ORDERED.


_____ J.

Saitta


_____ J.

Gibbons


_____ J.

Pickering

cc: Hon. Kenneth C. Cory, District Judge
Holley, Driggs, Walch, Puzey & Thompson/Las Vegas
John H. Cotton & Associates, Ltd.
Law Office of Arthur W. Tuverson
E. Brent Bryson
Eighth District Court Clerk