

IN THE SUPREME COURT OF THE STATE OF NEVADA

DDS, INC. D/B/A DESIGNER &
DECORATOR SERVICES, A NEVADA
CORPORATION; AND MARTIN L.
WEINMANN, AN INDIVIDUAL,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
AFFORDABLE CONCEPTS, INC., A
NEVADA CORPORATION,
Real Party in Interest.

No. 63736

FILED

AUG 07 2013

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

*ORDER DENYING PETITION FOR EMERGENCY
WRIT OF MANDAMUS OR PROHIBITION*

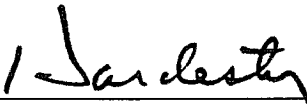
This is an emergency petition for a writ of mandamus or prohibition seeking to prohibit the sale of certain real property.

“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.” *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (citations omitted); *see* NRS 34.160. A writ of prohibition may be granted when the district court exceeds its jurisdiction. NRS 34.320. It is within this court’s discretion to determine whether a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioners bear the burden of demonstrating that this court’s extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844

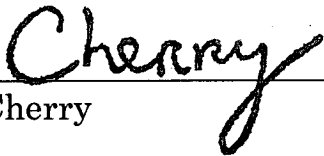
(2004). A part of this burden is providing this court with “the facts necessary to understand the issues presented by the petition,” “the reasons why the writ should issue,” and an appendix containing the relevant orders and any other part of the record “that may be essential to understand the matters set forth in the petition.” NRAP 21(a)(3)(C)-(D); NRAP 21(a)(4).

Having reviewed the petition and all materials filed with the petition, we conclude that petitioners have not met their burden of demonstrating that extraordinary relief is appropriate. NRAP 21(b)(1). The petition does not identify which property is to be sold, the documents attached to the petition do not include any orders from the district court, and the petition does not provide the essential information necessary for this court’s understanding and review of the petition. NRAP 21(a)(3)-(4).¹ Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Joanna Kishner, District Judge
Randolph Law Firm, P.C.
Pintar Albiston LLP
Eighth District Court Clerk

¹In light of this court’s denial of the writ petition, petitioners’ emergency motion for a stay is denied as moot.