

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYNTHIA DUFFY,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KATHLEEN E. DELANEY, DISTRICT  
JUDGE,

Respondents,

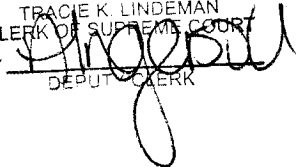
and

ONEWEST BANK, FSB,  
Real Party in Interest.

No. 64366

**FILED**

NOV 20 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order denying a motion to disqualify opposing counsel.


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 mandamus is an extraordinary remedy, and whether such a writ will be considered is within our sole discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Moreover, 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).

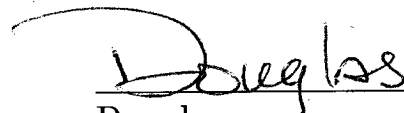
Having reviewed petitioner's petition and appendix, we conclude that our extraordinary intervention is unwarranted, as the district court did not arbitrarily exercise its discretion in denying


petitioner's motion to disqualify. *Smith*, 107 Nev. at 677, 818 P.2d at 851; *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Merits Incentives, LLC v. Eighth Judicial Dist. Court*, 127 Nev. \_\_\_, \_\_\_, 262 P.3d 720, 726-27 (2011).

Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Kathleen E. Delaney, District Judge  
Cody Law Firm, LLC  
Brooks Bauer LLP  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioner's emergency stay motion is denied as moot.