

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNIFER S. CHA, AN INDIVIDUAL,  
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

FAR EAST NATIONAL BANK, N.A., A  
NATIONAL BANKING ASSOCIATION,  
Real Party in Interest.

No. 64876

**FILED**

JAN 31 2014

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

*ORDER DENYING PETITION FOR  
WRITS OF MANDAMUS AND PROHIBITION*

This original petition for writs of mandamus and prohibition challenges a district court order directing petitioner to show cause why petitioner should not be held in contempt of court.

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. Either writ 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, 679, 818 P.2d 849, 851, 853 (1991). It is the 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 the petition and appendix, we conclude that our extraordinary intervention is not warranted. *Id.* Specifically, it is unclear what our intervention would accomplish. Although petitioner asks us to order the district court to vacate a December 26, 2013, order directing petitioner to show cause why she should not be held in contempt, petitioner was properly served with this order, she filed a written response thereto, and she attended a hearing, after which the district court *declined* to hold her in contempt. Accordingly, we

ORDER the petition DENIED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Kathleen E. Delaney, District Judge  
Pettibone & Associates  
Richard C. Sipan  
Holland & Hart LLP/Las Vegas  
Eighth District Court Clerk