

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ALLEN NEUMAN, AN  
INDIVIDUAL; STANLEY SECURITY  
SOLUTIONS, INC., AN INDIANA  
CORPORATION; AND STANLEY  
BLACK & DECKER, INC., A  
CONNECTICUT CORPORATION,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
SUSAN SCANN, DISTRICT JUDGE,  
Respondents,  
and  
WILLIAM BARRY BRADLEY,  
Real Party in Interest.

No. 65177

**FILED**

APR 11 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Maw*  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

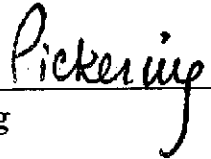
This original petition for a writ of mandamus challenges district court orders granting an extension of time in which to serve process and confirming a request for exemption from arbitration.

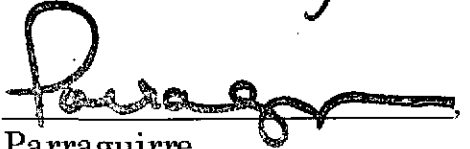
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus is an extraordinary remedy, and whether such a writ will be considered is within this court's sole discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Moreover, it is petitioners' burden to demonstrate that this court's


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

Having considered petitioners' arguments in light of the underlying case's progression since the challenged orders were entered, we are not persuaded that our intervention is warranted. *Id.* Consequently, we decline to exercise our discretion to consider this writ petition, NRAP 21(b); *Smith*, 107 Nev. at 677, 818 P.2d at 851, and we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

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

cc: Hon. Susan Scann, District Judge  
Law Office of Arthur W. Tuverson  
Barney C. Ales, Ltd.  
E. Brent Bryson  
Eighth District Court Clerk