

IN THE SUPREME COURT OF THE STATE OF NEVADA

OCWEN LOAN SERVICING, LLC;  
ONEWEST BANK, FSB; AND FREDDIE  
MAC,  
Petitioners,  
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  
ROSEMARIE NAIRA,  
Real Party in Interest.

No. 65443

**FILED**

**APR 17 2014**

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

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR CERTIORARI*


This original petition for a writ of mandamus or, alternatively, certiorari, challenges a district court discovery order in a Foreclosure Mediation Program matter.

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); see NRS 34.160. A writ of certiorari is available to “remedy jurisdictional excesses committed by an inferior tribunal, board, or officer, exercising judicial functions.” *Las Vegas Police Protective Ass’n Metro, Inc. v. Eighth Judicial Dist. Court*, 122 Nev. 230, 241, 130 P.3d 182, 190 (2006). This court generally declines to consider writ petitions challenging discovery orders. *Valley Health*


*Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. \_\_\_, \_\_\_, 252 P.3d 676, 678-79 (2011). Moreover, petitioners bear the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the arguments put forth in petitioners' writ petition, we conclude that our intervention is unwarranted. *Id.*; *Valley Health*, 127 Nev. at \_\_\_, 252 P.3d at 678-79. Petitioners have not supported the petition or their emergency stay motion with the appendix required by NRAP 21(a)(4), which requires submission of an appendix in support of the petition that complies with NRAP 30 and includes "a copy of any order or opinion, parts of the record before the respondent judge, corporation, commission, board or officer, or any other original document that may be essential to understand the matters set forth in the petition." Without these materials this court is not in a position to grant a temporary stay or extraordinary writ relief. Accordingly, we

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

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

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

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

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<sup>1</sup>In light of our resolution of this matter, we deny as moot petitioners' April 17, 2014, emergency motion for stay.

cc: Hon. Kathleen E. Delaney, District Judge  
Wright, Finlay & Zak, LLP/Las Vegas  
Legal Aid Center of Southern Nevada  
Eighth District Court Clerk