

IN THE SUPREME COURT OF THE STATE OF NEVADA

PACIFIC TRUST BANK,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUGLAS SMITH, DISTRICT JUDGE,
Respondents,
and
GEORGE W. MELBROD, JR.;
BARBARA H. MELBROD; RAYMOND
LUCIA; AND JEAN A. LUCIA,
Real Parties in Interest.

No. 65486

FILED

DEC 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

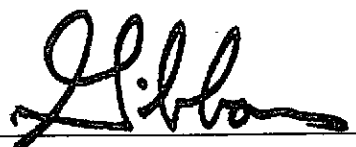
This original petition for a writ of mandamus challenges a district court order denying a motion to voluntarily dismiss a judicial foreclosure action.

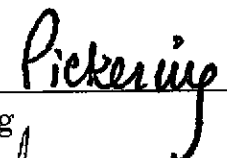
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for a writ of mandamus will be considered is within this court's sole discretion, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and 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 considered petitioner's arguments, and in light of the election of real parties in interest to not oppose petitioner's writ petition,

we conclude that our extraordinary intervention is warranted. *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its March 28, 2014, order and to grant petitioner's motion to voluntarily dismiss its complaint in District Court Case No. A691418.


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Saitta

cc: Hon. Douglas Smith, District Judge
Brooks Hubley LLP
Atkinson & Watkins, LLP
Eighth District Court Clerk