

IN THE SUPREME COURT OF THE STATE OF NEVADA

THERESA M. DOWLING,
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

JOHN PETER LEE, LTD.; JOHN
PETER LEE, INDIVIDUALLY; PAUL C.
RAY, CHTD.; AND PAUL C. RAY,
INDIVIDUALLY,
Real Parties in Interest.

No. 65873

FILED

JUL 08 2014

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

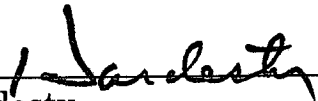
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order regarding a preemptory challenge in consolidated contract and malpractice actions.

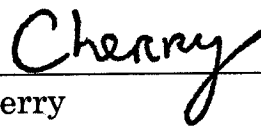
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court has the discretion to determine whether a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

We have reviewed petitioner's arguments and appendix and conclude that our intervention by way of extraordinary relief is not warranted at this time. *Id.* Accordingly, we deny this petition. *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* NRAP 21(b)(1).

It is so ORDERED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Kathleen E. Delaney, District Judge
Prince & Keating, LLP
Santoro Whitmire
Olson, Cannon, Gormley, Angulo & Stoberski
Lipson Neilson Cole Seltzer & Garin, P.C.
Carlyon Law Group, PLLC
Eighth District Court Clerk

¹In light of this order, we deny petitioner's June 25, 2014, stay motion as moot.