

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOULEVARD INVEST., LLC; MIRACLE  
MILE SHOPS; AND FEDERAL  
CLEANING CONTRACTORS, INC.,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MICHELLE LEAVITT, DISTRICT  
JUDGE,

Respondents,

and

NADINE CONTRERAS, AN  
INDIVIDUAL,  
Real Party in Interest.

No. 66044

**FILED**

**SEP 15 2014**

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This is a petition for writ of mandamus challenging the district court's denial of a motion to dismiss in a tort action.

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. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Generally, a writ of mandamus is only available when petitioners have no speedy and adequate remedy at law. NRS 34.170. Mandamus is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' 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 petitioners' arguments and the documents before this court, we conclude that our intervention by extraordinary writ relief is not warranted. *See* NRAP 21(b)(1); *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 DENIED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Michelle Leavitt, District Judge  
Hall Jaffe & Clayton, LLP  
Bernstein & Poisson  
Eighth District Court Clerk