

IN THE SUPREME COURT OF THE STATE OF NEVADA

NURI MOHSENIN, INDIVIDUALLY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,
Respondents,
and
2010-1 CRE NV-OFFICE, LLC, A
NEVADA CORPORATION,
Real Party in Interest.

No. 66102

FILED

DEC 22 2014

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


*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

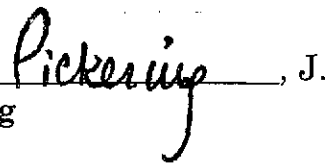
This original petition for a writ of mandamus, or, alternatively, prohibition, challenges a district court order denying a motion by special appearance to challenge the court's jurisdiction.

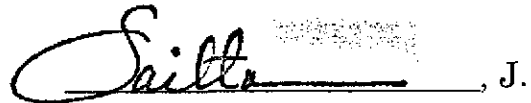
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the parties' arguments, we conclude that our intervention is unwarranted at this time. *Id.* Thus, while we deny petitioner's writ petition, this order should not be construed as precluding petitioner from arguing in district court whether real party in interest's new complaint was procedurally proper under NRCP 15(d) and NRCP 25(c).

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Saitta

cc: Hon. Nancy L. Alf, District Judge
Karl J. Andersen
Smith Larsen & Wixom
Eighth District Court Clerk