

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHMOND AMERICAN HOMES OF
NEVADA, INC.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,
Respondents,
and
RICHARD STANTON; ZAYDA BUSTOS;
ANTHONY AND DEVRON TURNER;
SUNRISE MECHANICAL, INC.; AND
ASPEN MANUFACTURING
HOLDINGS, INC. F/K/A ASPEN
MANUFACTURING, INC.,
Real Parties in Interest.

No. 66269

FILED

SEP 16 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Mulne
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

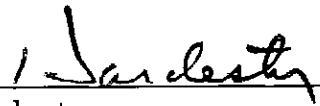
This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss in a construction defect action.

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. 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

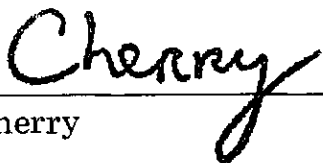
warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and appendix filed in this matter, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. *Id.*; *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Susan Johnson, District Judge
Wood, Smith, Henning & Berman, LLP
Canepa Riedy & Rubino
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Luh & Associates
Eighth District Court Clerk