

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOWNCO CONSTRUCTION
DEVELOPMENT LLC D/B/A TOWNCO
CONSTRUCTION, A NEVADA
LIMITED LIABILITY COMPANY,
Petitioners,

vs.

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

Respondents,

and

HENRY CONTRACTING, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Real Party in Interest.

No. 66627

FILED

OCT 20 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original emergency petition for a writ of mandamus challenging a district court order striking petitioner's purported acceptance of an offer of judgment in a contract action.

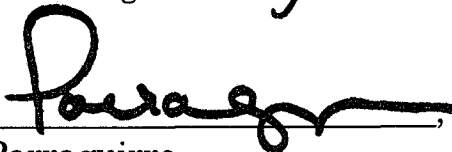
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether to consider a writ petition is within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the

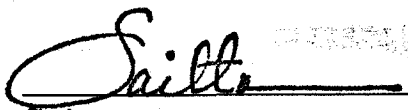
burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, answer, and reply, as well as the supporting documents submitted therewith, we conclude that petitioner has not met its burden of demonstrating that writ relief is warranted. *See id.* Accordingly, we deny the petition. NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Gloria Sturman, District Judge
Kung & Brown
Patrick K. McKnight
Eighth District Court Clerk