

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LENNOX INDUSTRIES, INC., A
DELAWARE CORPORATION,
PRINCIPAL PLACE OF BUSINESS IN
TEXAS, REGISTERED IN NEVADA,
Petitioner,

vs.

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

Respondents,

and

ASPEN MANUFACTURING, INC.; AND
RICHMOND AMERICAN HOMES OF
NEVADA, INC.,

Real Parties in Interest.

No. 67659

FILED

APR 15 2015

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

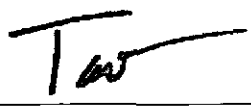
This original petition for a writ of mandamus challenges a district court order granting petitioner leave to amend its cross-complaint but placing limitations on the discovery that petitioner can conduct in furtherance of the amended cross-complaint.

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

Having considered petitioner's arguments and the documents before us, we conclude that our intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition. NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (explaining that whether to consider a petition for a writ of mandamus is discretionary).

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Joanna Kishner, District Judge
Selman Breitman, LLP
Hansen Rasmussen, LLC
Wood, Smith, Henning & Berman, LLP/Las Vegas
Eighth District Court Clerk