

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN LAS VEGAS, LLC D/B/A
ENCORE AT WYNN LAS VEGAS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUGLAS SMITH, DISTRICT JUDGE,
Respondents,
and
JEAN OLDS; AND CHARLES OLDS,
Real Parties in Interest.

No. 65801

FILED

JAN 05 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

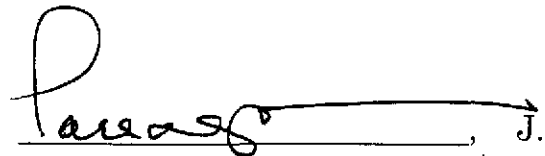
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

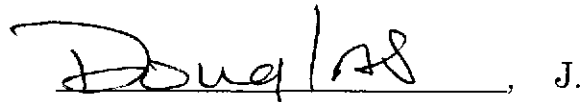
This is an original petition for a writ of mandamus challenging a district court order imposing sanctions.

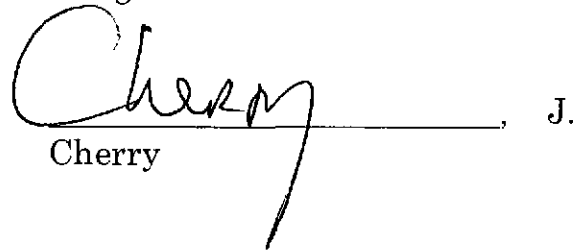
Petitioner owns a pool where real party in interest Charles Olds slipped and fell, breaking his hip. Olds and his wife filed a complaint, alleging negligence, negligence per se, and loss of consortium. Petitioner's answer was stricken by the district court, consistent with the discovery commissioner's findings, as a sanction for petitioner allegedly destroying evidence by recoating the pool deck where Olds slipped and fell and failing to notify Olds and his wife of this information. Petitioner argues that writ relief is warranted because the district court abused its discretion.

Having considered the petition, we are not persuaded that our extraordinary intervention is warranted at this time. See NRS 34.160; see also *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioners carry the burden of demonstrating that extraordinary relief is warranted."). Accordingly, we

ORDER the petition DENIED.


Parraguirre J.


Douglas J.


Cherry J.

cc: Hon. Douglas Smith, District Judge
Marquis Aurbach Coffing
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Law Office of Daniel Marks
Eighth District Court Clerk