

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH BERBERICH, TRUSTEE, ON  
BEHALF OF 4499 WEITZMAN PLACE  
TRUST, A NEVADA TRUST, AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

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

SOUTHERN HIGHLANDS  
COMMUNITY ASSOCIATION, A  
NEVADA NON-PROFIT COOPERATIVE  
CORPORATION; MTC FINANCIAL  
INC., A CALIFORNIA CORPORATION  
REGISTERED IN NEVADA; OLYMPIA  
MANAGEMENT SERVICES, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; FEDERAL HOME LOAN  
MORTGAGE CORPORATION, A  
FEDERALLY CHARTERED  
CORPORATION; AND CAM REAL  
ESTATE XIV, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY,  
Real Parties in Interest.

No. 71235

**FILED**

OCT 17 2016

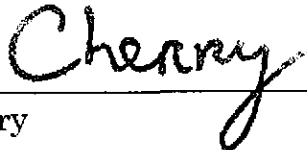
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

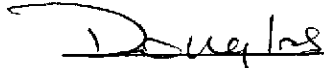
*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS AND PROHIBITION*


This original petition for a writ of mandamus and prohibition challenges a district court order striking an order granting petitioner's motion to voluntarily dismiss his complaint.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Among other reasons, it does not appear that petitioner was aggrieved in any practical sense by the district court's decision to strike its August 2, 2016, order, as the district court's apparent intent in doing so was simply to put petitioner in the same position he was in before that order was entered. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

cc: Brauer, Driscoll, Sun and Associates LLC  
Aldridge Pite, LLP  
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas  
Kemp, Jones & Coulthard, LLP  
Burke, Williams & Sorensen, LLP  
Eighth District Court Clerk

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<sup>1</sup>Petitioner's motion for a stay is denied as moot.