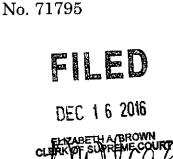
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROMMIE OVERTON; AND SOUTHERN NEVADA TRANSIT COALITION, Petitioners, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE NANCY L. ALLF, DISTRICT JUDGE, Respondents, and WILLIAM CRAWFORD, Real Party in Interest.



ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion for summary judgment in a tort action.

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). The district court did not arbitrarily or capriciously exercise its discretion or violate clearly established law when it determined that *Nurenberger Hercules-Werke GMBH v. Virostek*, 107 Nev. 873, 822 P.2d 1100 (1991), was applicable and when it determined that *Nurenberger*'s three elements had been satisfied.¹ *Int'l Game Tech.*,

¹To the extent that petitioners seek to emphasize that they were not additionally named defendants, we note that Nurenberger disavowed the continued on next page...

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SUPREME COURT OF NEVADA Inc. v. Second Judicial Dist. Court, 124 Nev. 193, 197, 179 P.3d 556, 558
(2008) (observing that a writ of mandamus is available to control clear error or an arbitrary or capricious exercise of discretion). Accordingly, we ORDER the petition DENIED.

henry Cherry J. Douglas J. Gibbons

cc: Hon. Nancy L. Allf, District Judge Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas Bernstein & Poisson Eighth District Court Clerk

...continued utility of the "substitution-addition' distinction." 107 Nev. at 877, 822 P.2d at 1103.

SUPREME COURT OF NEVADA