

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEA, INC., AND STANTEC CONSULTING
INC.,

No. 37471

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE RON D. PARRAGUIRRE AND
THE HONORABLE MICHAEL A. CHERRY,
DISTRICT JUDGES,

FILED

MAR 14 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

Respondents,

and

PATRICK BENNETT AND THERESA
BENNETT,

Real Parties in Interest.¹

ORDER DENYING PETITION

FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order partially denying petitioners' motion for summary judgment and an order denying petitioners' motion for reconsideration.

A writ of mandamus is appropriate when there is no plain, speedy and adequate remedy in the ordinary course of law.² While a writ of mandamus will not lie to control a discretionary act, it will issue when the lower court's discretion is manifestly abused, or exercised arbitrarily and capriciously.³ Further, mandamus is an extraordinary remedy,

¹We direct the clerk of this court to amend the caption on the court's docket to correspond to the caption on this order.

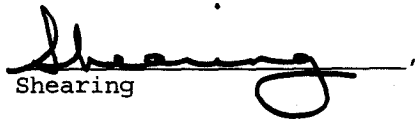
²See NRS 34.170.

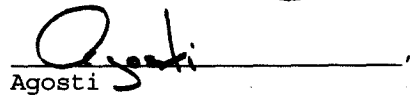
³See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

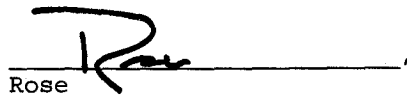
and it is within the discretion of this court to determine if a petition will be considered.⁴

We have considered this petition for a writ of mandamus and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. We therefore deny the petition.⁵

It is so ORDERED.⁶


Shearing J.


Agosti J.


Rose J.

cc: Hon. Ron D. Parraguirre, District Judge
Hon. Michael A. Cherry, District Judge
Law Office of James Shields Beasley
Schofield & Associates
Clark County Clerk

⁴See Poulos v. District Court, 98 Nev. 453, 652 P.2d 1177 (1982).

⁵See NRAP 21(b); Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

⁶In light of this order, we deny as moot petitioners' request to stay the proceedings in the district court pending resolution of this writ petition, and we deny petitioners' request for costs.