

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH BERBERICH, TRUSTEE,
ON BEHALD OF 4499 WEITZMAN
PLACE TRUST, A NEVADA TRUST;
JEFF BRAUER, ESQ.; AND BRAUER,
DRISCOLL, SUN AND ASSOCIATES
LLC,

Petitioners,

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,

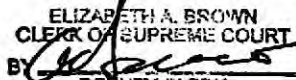
and

SOUTHERN HIGHLANDS
COMMUNITY ASSOCIATION, A
NEVADA NON-PROFIT
CORPORATION; MTC FINANCIAL,
INC., A CALIFORNIA CORPORATION
REGISTERED IN NEVADA; OLYMPIA
GROUP, LLC, A NEVADA LIMITED
LIABILITY CORPORATION; OLYMPIA
MANAGEMENT SERVICES, LLC, A
NEVADA LIMITED LIABILITY
CORPORATION; 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. 82079

FILED

NOV 20 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus seeks to compel the respondent district judge to hear petitioners' post-judgment motion for relief, rather than the judge to whom the case is currently assigned, and to have vacated prior orders entered by the currently assigned judge.

Having reviewed the petition and supporting documents, we conclude that our extraordinary intervention is not warranted. NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioners bear the burden to demonstrate that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). In particular, petitioners fail to demonstrate that NRS 175.101, a criminal procedure statute recently addressed in *Harvey v. State*, 136 Nev., Adv. Op. 61, 473 P.3d 1015 (2020), applies to their civil case below. Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Silver, J.
Silver

cc: Hon. Joanna Kishner, District Judge
Spencer M. Judd
Aldridge Pite, LLP
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
Burke, Williams & Sorensen, LLP
Kemp, Jones, LLP
Eighth District Court Clerk