

IN THE SUPREME COURT OF THE STATE OF NEVADA

CCR OF LAKE LAS VEGAS, LTD., A
FLORIDA LIMITED PARTNERSHIP; AND
CCR OF LAKE LAS VEGAS GP, INC., A
FLORIDA CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE MICHAEL CHERRY, DISTRICT
JUDGE,

Respondents,

and

LAKE AT LAS VEGAS JOINT VENTURE, A
NEVADA LIMITED PARTNERSHIP;
TRANSNEVA LIMITED PARTNERSHIP, A
NEVADA LIMITED PARTNERSHIP; AND
TRANSCONTINENTAL PROPERTIES, AN
ARIZONA CORPORATION,

Real Parties in Interest.

No. 37662

FILED

APR 11 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus, or alternatively, a writ of prohibition, challenging a district court's anticipated written order expunging petitioners' notice of lis pendens. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹

¹See NRS 14.015 (giving the district court discretion to cancel a notice of lis pendens); NRS 34.320 (limiting a writ of prohibition to proceedings in excess of the district court's jurisdiction); Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981) (stating that a writ of mandamus will not lie to control discretionary action unless discretion is manifestly abused or exercised in an arbitrary or capricious fashion); Trapasso v. Superior Ct. of County of Orange, 140 Cal. Rptr. 820, 823-24 (Ct. App. 1977) ("[W]here it appears that a party is interested in real property only for its monetary value, the expungement of a lis pendens" is proper.).

Accordingly, we deny the petition.² The motion for expedited review and request for a stay are denied as moot.

It is so ORDERED.

J. Maupin, C.J.
Maupin

L. Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Michael A. Cherry, District Judge
Jones Vargas
Lionel Sawyer & Collins
Clark County Clerk

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).