

IN THE SUPREME COURT OF THE STATE OF NEVADA

VENETIAN CASINO RESORT, LLC;  
GRAND CANAL SHOPS MALL  
CONSTRUCTION, LLC; AND  
FRONTIER INSURANCE COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JAMES A. BRENNAN, SENIOR JUDGE,

Respondents,

and

LEHRER MCGOVERN BOVIS, INC.;  
ACME ELECTRIC; ARCON OF  
NEVADA, INC.; CAPITOL BUILDERS  
HARDWARE, INC.; CHOICE  
ELECTRIC; EBENISTERIE BEAUBOIS,  
LTEE; FINLANDIA SAUNA  
PRODUCTS, INC.; FREEMAN'S  
CARPET SERVICE, INC.; GREAT  
WESTERN DRYWALL, INC.;  
HEINAMAN CONTRACT GLAZING,  
INC.; HENRI SPECIALTIES CO, INC.  
OF NEVADA; INTERLOCKING  
PAVEMENT CORP.; LAS VEGAS  
PAVING CORPORATION; LAWRENCE  
W. ROSINE CO., INC.; LEE  
FABRICATING, INC.; MAZUR  
CONSTRUCTION COMPANY;

No. 37670

**FILED**

**FEB 27 2002**

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

MONTGOMERY KONE, INC.;  
MOOSEMAN CAULKING;  
NORTHWESTERN, INC.; OTIS  
ELEVATOR COMPANY; QUALITY  
MECHANICAL CONTRACTORS, INC.;  
SOUTHWEST METALSMITHS, INC.;  
SPECIALTY CLOSURES, INC.; SUN  
PORTS, INTERNATIONAL, INC.; THE  
PAINTIN' PLACE WEST; TIFFANY  
DECORATING CO.; WESTERN STATES  
FIRE PROTECTION COMPANY D/B/A  
STATEWIDE FIRE PROTECTION;  
WGG/JP ASSOCIATES; ADVANCED  
CONCRETE SPECIALIST, INC.; SCOTT  
COMPANY OF CALIFORNIA;  
SUPERIOR GUNITE; SIEMENS  
BUILDING TECHNOLOGIES, INC.;  
PATRIOT ERECTORS; BABCO  
CONSTRUCTION, INC.; CENTURY  
STEEL, INC.; HARSCO CORP. D/B/A  
PATENT CONSTRUCTION SYSTEMS;  
J.A. JONES AND FIREMAN'S FUND  
INSURANCE COMPANY; JAKE'S  
CRANE & RIGGING, INC.; MARTIN  
BROTHERS; MIDWEST DRYWALL  
CO., INC.; WEST EDNA ASSOCIATES  
D/B/A MOJAVE ELECTRIC;  
HARRIS/ARIZONA REBAR, INC.;  
EBERHARD/SOUTHWEST ROOFING,  
INC.; HERRICK CORPORATION; TRM  
CORPORATION D/B/A SUPERIOR  
TILE COMPANY; AND AHERN  
RENTALS, INC.,

Real Parties in Interest.

## ORDER DENYING PETITION FOR WRIT RELIEF

This original petition for extraordinary writ relief challenges the validity of, and seeks to vacate, an order by this court assigning Senior Judge James A. Brennan to preside over the matter of Harris Arizona Rebar, Inc. vs. J.A. Jones Construction Co., and related cases concerning the Venetian Hotel, Casino, and Convention Center, District Court Case No. A397391, for all further proceedings.

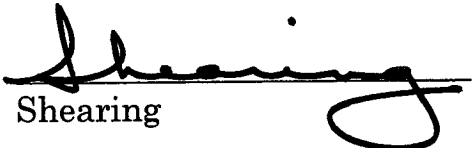
This court recalled Judge Brennan to service on July 2, 1992, pursuant to its constitutional authority to recall retired judges, who were not removed or retired for cause, to “appropriate temporary” judicial service.<sup>1</sup> Since that time, Judge Brennan has served via a series of case-specific and/or temporary orders. On October 7, 1999, this court assigned Judge Brennan to preside over all further proceedings related to the Venetian litigation. Eighteen months later, Venetian filed this petition for extraordinary writ relief, seeking to vacate this court’s assignment and to preclude Judge Brennan from presiding over the remainder of the litigation.

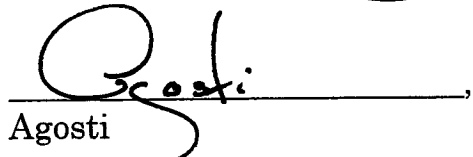
We have considered Venetian’s original and supplemental petitions and conclude that they lack merit. This court’s recall of Judge Brennan to senior service, and the assignment of the Venetian litigation to him, was a valid exercise of this court’s constitutional authority to recall retired judges to service. We therefore deny Venetian’s request for writ relief.


---

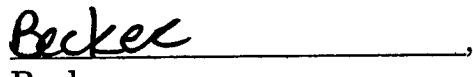
<sup>1</sup>Nev. Const. art. 6 § 19(1)(c).


It is so ORDERED.<sup>2</sup>

 J.  
Shearing

 J.  
Agosti

 J.  
Rose

 J.  
Becker

 D.J.  
Blake<sup>3</sup>

cc: Hon. James A. Brennan, Senior Judge  
Hale Lane Peek Dennison Howard & Anderson/Las Vegas  
Lionel Sawyer & Collins/Las Vegas  
Bible Hoy & Trachok  
Dixon & Truman

---

<sup>2</sup>The Honorable William Maupin, Chief Justice, and the Honorable Myron Leavitt, Justice, voluntarily recused themselves from participation in the decision of this matter.

<sup>3</sup>The Honorable Archie E. Blake, Judge of the Third Judicial District Court, was designated by the Governor to sit in place of the Honorable Cliff Young, Justice. Nev. Const. art. 6, § 4.

Griffin Cochrane & Marshall  
Haney, Woloson & Mullins  
Harrison Kemp & Jones, Chtd.  
McDonald Carano Wilson McCune Bergin Frankovich  
& Hicks, LLP/Las Vegas  
McDonald Carano Wilson McCune Bergin Frankovich  
& Hicks, LLP/Reno  
Monteleone & McCrory, LLP  
Thomas N. Conner  
McCracken Stemerman Bowen & Holsberry  
Peel, Brimley, Spangler & Brown  
Thomas F. Pitaro  
Jolley Urga Wirth & Woodbury  
Clark County Clerk