

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA BERKOWITZ AND PENNY
SHAW,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
NANCY M. SAITTA, DISTRICT JUDGE,

Respondents,

and

J.J. MOVING SERVICES, INC., A
GUAM CORPORATION,
Real Party in Interest.

No. 37976

FILED

JUN 20 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus challenging a district court order refusing to quash service of process.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,¹ or to control an arbitrary or capricious exercise of discretion.² A writ may be issued only where "there is not a plain, speedy and adequate remedy in the ordinary course of law."³ The issuance of a writ "is purely

¹NRS 34.160.

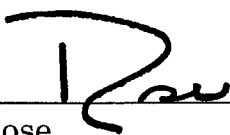
²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


³NRS 34.170; see also Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998), abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).

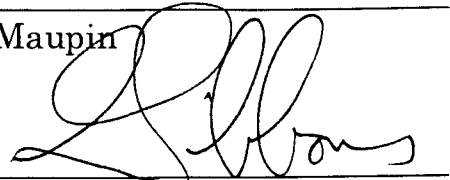
discretionary" with this court.⁴

We have considered this petition and answer, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁵

It is so ORDERED.⁶


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Nancy M. Saitta, District Judge
Cotkin, Collins, & Ginsburg
Sandra Berkowitz
Penny Shaw
Clark County Clerk

⁴Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

⁵See NRAP 21(b).

⁶We direct the clerk of this court to file the "Supplement on a Notice of a Petition for a Writ of Mandate" provisionally received on June 11, 2001.