

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK SOMMER, AN INDIVIDUAL AND  
LAURA SOMMER, AN INDIVIDUAL,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK  
AND THE HONORABLE WILLIAM O.  
VOY, DISTRICT JUDGE, FAMILY  
COURT DIVISION,

Respondents,

and

PAUL SOMMER,  
Real Party in Interest.

No. 39613

FILED

JUN 05 2002

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order denying petitioners' motion to consolidate.

A writ of mandamus is available to compel the performance of an act, which the law requires as a duty resulting from an office, trust or station, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> A writ of mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.<sup>2</sup> Further, mandamus

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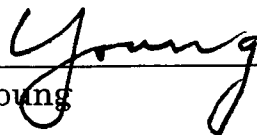
<sup>1</sup>NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

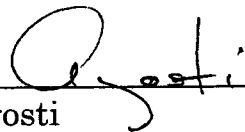
<sup>2</sup>NRS 34.170; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).


is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.<sup>3</sup>

We have considered this petition, as well as the errata to the petition filed May 15, 2002, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. William O. Voy, District Judge, Family Court Division  
Harrison Kemp & Jones, Chtd.  
Gage & Gage, LLP  
Clark County Clerk

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<sup>3</sup>See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.