

IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA J. GIBSON,  
Petitioner,

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

THOMAS J. GIBSON,  
Real Party in Interest.

No. 40433

FILED

FEB 08 2002

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court ruling that denied petitioner's request for open hearings during the divorce proceeding.

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,<sup>1</sup> or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> Mandamus is an extraordinary remedy and it is within the discretion of this court to determine if a petition will be considered.<sup>3</sup>

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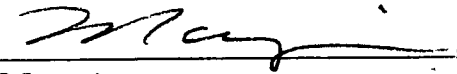
<sup>1</sup>NRS 34.160.

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

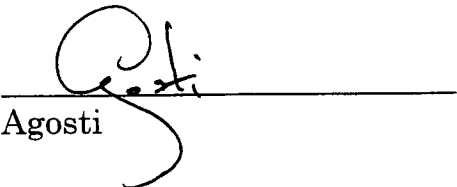
<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

We have reviewed the petition and accompanying documents, and we conclude that our intervention by way of extraordinary relief is not warranted. We therefore deny the petition.<sup>4</sup> Additionally, we deny as moot petitioner's request for a stay.<sup>5</sup>

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Maupin

  
\_\_\_\_\_, J.  
Rose

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

cc: Hon. William O. Voy, District Judge, Family Court Division  
Robin J. Barber  
Gary E. Gowen  
Christopher R. Tilman  
Clark County Clerk

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<sup>4</sup>See NRAP 21(b).

<sup>5</sup>Our denial of this petition does not excuse petitioner from paying the filing fee, and we direct petitioner to pay the fee within ten days of this order's date and deny petitioner's November 1, 2002 motion to waive fees.