

IN THE SUPREME COURT OF THE STATE OF NEVADA

KVAERNER U.S. INC.; KVAERNER  
ASA; AND KVAERNER HOLDINGS  
INC.,

Appellants,

vs.

EQUATORIAL TONOPAH, INC.;  
EQUATORIAL MINING LIMITED; AND  
EQUATORIAL MINING NORTH  
AMERICA, INC.,

Respondents.

KVAERNER U.S. INC.,

Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF NYE  
AND THE HONORABLE MICHAEL P.  
GIBBONS, DISTRICT JUDGE,

Respondents,

and

EQUATORIAL TONOPAH, INC.;  
EQUATORIAL MINING LIMITED; AND  
EQUATORIAL MINING NORTH  
AMERICA, INC.,

Real Parties in Interest.

No. 39571

**FILED**

JAN 8 2004

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

No. 42571

ORDER DENYING MOTION TO RECALL  
REMITTITUR IN DOCKET NO. 39571  
AND DENYING PETITION FOR WRIT OF  
MANDAMUS IN DOCKET NO. 42571

This original petition for a writ of mandamus challenges a district court order denying petitioner's request for a supercedeas bond for less than the full judgment amount. We have considered this petition, and

we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.<sup>1</sup>

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

Becker J.  
Becker

Agosti J.  
Agosti

Maupin J.  
Maupin

cc: Hon. Michael P. Gibbons, District Judge  
Beckley Singleton, Chtd./Las Vegas  
Rowe & Hales  
Woodburn & Wedge  
Yetter & Warden  
Nye County Clerk

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<sup>1</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); see also McCulloch v. Jeakins, 99 Nev. 122, 659 P.2d 302 (1983) (noting that amount of supersedeas bond is within district court's discretion).

<sup>2</sup>We deny petitioner's motions for stay, for leave to file a reply, and to recall the remittitur in Docket No. 39571 and to consolidate this petition with Docket No. 39571 as moot in light of this order.