

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAYLOR WOODROW HOMES, INC.  
AND THE HORN COMPANY,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
MICHAEL CHERRY, DISTRICT  
JUDGE,

Respondents,

and

THE GRAND LEGACY COMMUNITY  
ASSOCIATION,  
Real Party in Interest.

No. 42723

FILED  
MAY 6 2004

MAY 6 2004

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order declaring the real party in interest's standing to sue in a construction defect action. On February 20, 2004, we ordered the real party in interest to file an answer to the petition. But when our further review of the petition and a subsequently filed stay motion indicated that petitioners may be seeking mandamus relief to compel only a partial dismissal of the real party in interest's claims, we suspended our order directing an answer, and we ordered petitioners to show cause why their petition should not be denied. We noted that extraordinary relief is typically not available to compel a partial dismissal.<sup>1</sup>

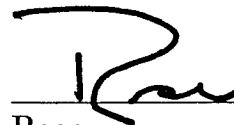
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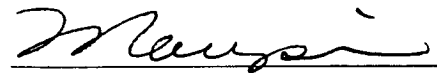
<sup>1</sup>See Moore v. District Court, 96 Nev. 415, 610 P.2d 188 (1980).

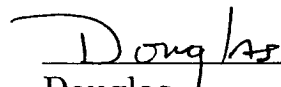
In their response to our show cause order, petitioners explain that this court's intervention is sought to eliminate "all issues relating to the alleged wall defects from the litigation," leaving for discovery and trial "only the few other comparatively small alleged defects." Petitioners further assert that "dismissal of the largest claims would greatly increase the chances of settling the remaining claims." We reject petitioners' invocation of our original jurisdiction to accomplish only a partial resolution of the claims below. The issuance of mandamus relief is purely discretionary with this court<sup>2</sup> and essentially unavailable to compel partial dispositions.<sup>3</sup>

Accordingly, we deny the petition.<sup>4</sup>

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Douglas

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

<sup>3</sup>Moore, 96 Nev. at 416-17, 610 P.2d at 189.

<sup>4</sup>See NRAP 21(b). We deny as moot petitioners' motion for a stay, and we vacate our order directing an answer.

cc: Hon. Michael A. Cherry, District Judge  
Molof & Vohl  
Springel & Fink  
Quon Bruce Law Firm  
Clark County Clerk