

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW TURNER, AN INDIVIDUAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE ELISSA F.
CADISH, DISTRICT JUDGE,

Respondents,

and

DESERT SALON SERVICES AND
GALLAGHER BASSET SERVICES, INC.,
Real Parties in Interest.

No. 53863

FILED

JUN 04 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

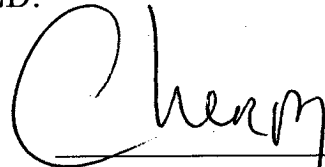
This original petition for a writ of mandamus challenges a district court order granting a motion for partial summary judgment.

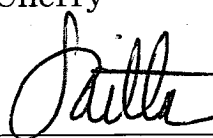
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus may issue only when petitioner has no plain, speedy, and adequate legal remedy. NRS 34.170. Mandamus is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

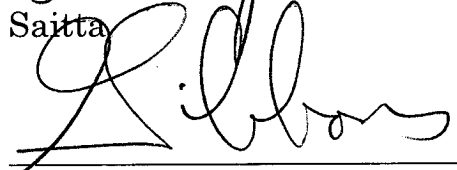
Having considered the petition and the supporting documentation, we are not satisfied that this court's intervention by way

of extraordinary relief is warranted. See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Howard Roitman & Associates
Alverson Taylor Mortensen & Sanders
Law Office of Vicki L. Driscoll
Eighth District Court Clerk

¹We note that our denial of this petition does not prevent the petitioner from challenging this interlocutory order on appeal once a final judgment has been entered in the underlying action. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (noting that this court may review interlocutory orders within the context of an appeal from a final order).