

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEAN ANDREWS, PH.D.,
Petitioner,

vs.

THE NINTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
DOUGLAS; AND THE HONORABLE
CHARLES M. MCGEE, SENIOR
JUDGE,
Respondents,
and
MICHAEL SMILEY ROWE,
INDIVIDUALLY AND AS SUCCESSOR
OF THE MIMS LIVING TRUST, U/D/T
10/02/02, AS AMENDED,
Real Parties in Interest.

No. 63075

FILED

APR 25 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

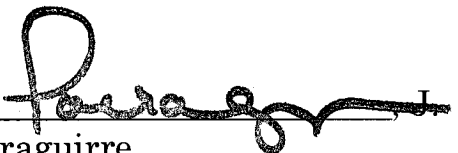
This original petition for a writ of mandamus challenges a district court order expunging a lis pendens.

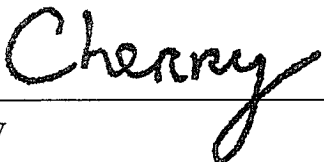
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's discretion to determine whether a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed this petition and the supporting documents, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Parraguirre


_____, J.
Cherry

cc: Chief Judge, The Ninth Judicial District Court
Hon. Charles M. McGee, Senior Judge
Law Office of Karen L. Winters
Lemons, Grundy & Eisenberg
Douglas County Clerk

¹We deny as moot petitioner's motion for a stay of the district court's order.