

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN ROWE-GRALNICK,
PERSONAL REPRESENTATIVE FOR
THE ESTATE OF ALAN GRALNICK,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
GERALD W. HARDCASTLE,
Respondents,
and
ANN GRALNICK,
Real Party in Interest.

No. 63250

FILED

MAY 23 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. K. Lindeman*
DEPUTY CLERK

**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION**

This original petition for a writ of mandamus, or alternatively, prohibition, challenges district court rulings requiring petitioner to deposit the funds at issue into a trust account and denying petitioner's motion to disqualify the district court judge.

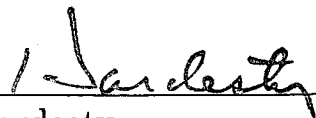
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether a petition for mandamus or prohibition relief will be considered is purely discretionary with this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary

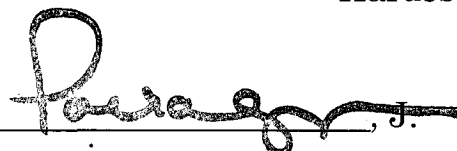
intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

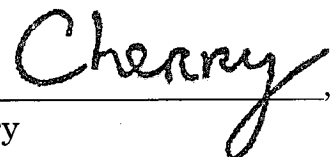
Although “a petition for a writ of mandamus is the appropriate vehicle to seek disqualification of a judge,” *Towbin Dodge, LLC v. Eighth Judicial Dist. Court*, 121 Nev. 251, 254-55, 112 P.3d 1063, 1066 (2005), petitioner has not provided any written order denying her request for disqualification of the district court judge. *Div. of Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004). Petitioner has further failed to show any actual or implied bias on the part of the district court judge or that her motion for disqualification was timely. NRS 1.230; NRS 1.235.

Accordingly, having reviewed the appendix and petitioner’s arguments regarding all the challenged district court rulings, we conclude that our intervention by way of extraordinary relief is not warranted, NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851, and we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Chief Judge, The Eighth Judicial District Court
Hon. Gerald W. Hardesty, Senior Judge
Abrams Law Firm, LLC
Moran Law Firm, LLC
Eighth District Court Clerk