

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAHITI VILLAGE MASTER OWNERS'
ASSOCIATION, A NEVADA NON-
PROFIT CORPORATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,
Respondents,

and

M&H ENTERPRISES, INC., A NEVADA
CORPORATION D/B/A MARTIN
HARRIS CONSTRUCTION; AND
QUALITY MECHANICAL
CONTRACTORS, LLC, A NEVADA
FOREIGN LIMITED LIABILITY
COMPANY,
Real Parties in Interest.

No. 64803

FILED

SEP 03 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

Petitioner Tahiti Village Master Owners' Association seeks this court's extraordinary intervention by way of a writ of mandamus directing the district court to vacate its order granting partial summary judgment on Tahiti Village's chapter 40 constructional defect claim, which it asserts on behalf of its 100% time-shared condominium community. Of note, a final judgment has not yet been entered and "the fact that the order may ultimately be challenged on appeal from the final judgment generally precludes writ relief." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 225, 88 P.3d 840, 841 (2004); *see also* NRS 34.170. Furthermore, petitioner has not shown that the district court exceeded its jurisdiction or

committed such an error amounting to a manifest abuse of discretion that would merit extraordinary writ relief in dismissing Tahiti Village's constructional defect claim but allowing it to proceed with its remaining claims. *We the People Nev. ex rel. Angle v. Miller*, 124 Nev. 874, 879-80, 192 P.3d 1166, 1170 (2008) (party seeking writ relief carries the burden to show that the district court committed such a manifest abuse of discretion that would warrant this court's extraordinary and discretionary intervention); *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 475, 168 P.3d 731, 737 (2007) (writ of mandamus may be available to compel the performance of an act required by law or to control a manifest abuse or arbitrary and capricious exercise of discretion).

For these reasons, we decline to exercise our discretion in favor of entertaining this petition for extraordinary writ relief. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (decision to issue writ relief lies within the discretion of this court). Accordingly, we

ORDER the petition DENIED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: Hon. Susan Johnson, District Judge
Hutchison & Steffen, LLC
Anna T. Amundson
Schwartz Flansburg PLLC
Marquis Aurbach Coffing
Lincoln, Gustafson & Cercos
Eighth District Court Clerk