

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRIBLE HERBST, INC. A NEVADA CORPORATION D/B/A TERRIBLE HERBST CONVENIENCE STORE; AND HERBST FAMILY PARTNERSHIP II, A NEVADA LIMITED PARTNERSHIP, Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE NANCY L. ALLF, DISTRICT JUDGE, Respondents,

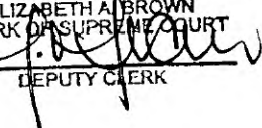
AND

MICHAEL FOWLER, AN INDIVIDUAL, Real Party in Interest.

No. 87347

FILED

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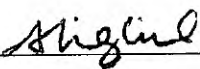
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

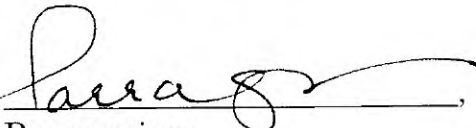
This original petition for a writ of mandamus challenges a district court order denying summary judgment in a personal injury matter. Having considered the petition and its documentation, we are not persuaded that our extraordinary and discretionary intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 843-44 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Generally, we will not consider writ petitions challenging orders denying motions for summary judgment, and we are not persuaded that any

exception to the general rule applies here. *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Nancy L. Alf, District Judge
Brandon Smerber Law Firm
McMenemy Holmes PLLC
Eighth District Court Clerk