

IN THE SUPREME COURT OF THE STATE OF NEVADA

COX & SONS PLUMBING & HEATING,
INC.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
NANCY M. SAITTA, DISTRICT JUDGE,
Respondents,
and
DEL WEBB COMMUNITIES, INC., AN
ARIZONA CORPORATION,
Real Party in Interest.

No. 43062

FILED

MAY 06 2004

JANETTE M. SLOWA
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order that denied petitioner's motion to dismiss in a construction defect action. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.¹ Accordingly, we deny the petition.²

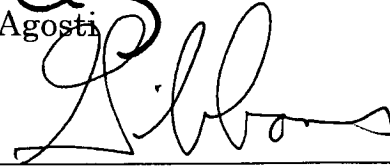
¹See NRS 34.170; Dayside Inc. v. Dist. Ct., 119 Nev. ___, 75 P.3d 384 (2003) (observing that an appeal from final judgment generally constitutes a plain, speedy and adequate remedy sufficient to foreclose writ relief); Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997) (stating that extraordinary relief is generally unavailable to compel the dismissal of an action).

²See NRAP 21(b). The request for a stay is denied as moot.

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Nancy M. Saitta, District Judge
Bremer, Whyte, Brown & O'Meara, LLP
Doyle, Berman & Gallenstein, P.C.
Lee & Russell
Ryan, Marks, Johnson & Todd
Clark County Clerk