

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLEETWOOD CORPORATION, AN
OREGON CORPORATION,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
PETER I. BREEN, DISTRICT JUDGE,
Respondents,
and
DOROTHY TOWNE, AS AN
INDIVIDUAL AND AS THE TRUSTEE
OF THE CERTAIN DECLARATION OF
TRUST MADE ON THE 24TH DAY OF
SEPTEMBER, 1984,
Real Party in Interest.

No. 43081

FILED

JUL 11 2005

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

ORDER GRANTING PETITION
FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order compelling arbitration.

DISCUSSION

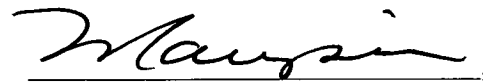
This court may issue a writ of mandamus where there is no plain, speedy and adequate remedy at law.¹ Further, a writ of mandamus is the proper method by which to challenge an order compelling arbitration.²

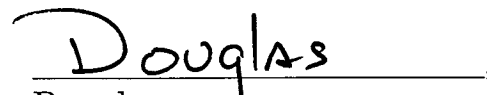
¹Kindred v. Dist. Ct., 116 Nev. 405, 409, 996 P.2d 903, 906 (2000).

²Id.

This petition arises from a district court order compelling arbitration in accordance with a settlement agreement stated in open court, memorialized in a transcript, and approved by the parties. However, the events following the settlement proceedings indicate that no meeting of the minds occurred with respect to additional but unstated material issues.³ Because no meeting of the minds occurred and the parties never reduced the settlement agreement to writing pursuant to the settlement judge's directive,⁴ the district court erred in enforcing the arbitration provision of this agreement. Therefore, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate the order compelling arbitration.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

³See DeLee v. Cost Reduction Engineering, 101 Nev. 484, 486, 705 P.2d 161, 163 (1985).

⁴See Casentini v. Hines, 97 Nev. 186, 187, 625 P.2d 1174, 1175 (1981); DCR 16.

cc: Hon. Peter I. Breen, District Judge
McDonald Carano Wilson LLP/Reno
Marshall Hill Cassas & de Lipkau
Washoe District Court Clerk