

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRENDA PAMPLONA AND ARMONDO
PAMPLONA,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,
Respondents,
and
MICHAEL D. DETMER, M.D.,
Real Party in Interest.

No. 43303

FILED

JUL 23 2004

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

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

This original petition for a writ of prohibition challenges a district court order that granted partial summary judgment.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction.¹ A petition for a writ of prohibition is addressed to the sound discretion of this court.² Further, such a writ may issue only when there is no plain, speedy, and adequate remedy at law.³


¹NRS 34.320.

²Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

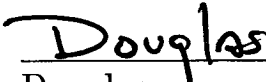
³NRS 34.330.

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.⁴

It is so ORDERED.⁵


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Michelle Leavitt, District Judge
Edward J. Achrem & Associates
Mayor, Horner & Stryker, Ltd.
Clark County Clerk

⁴See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

⁵We note that it appears that this court can review the district court's order granting partial summary judgment on direct appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders may be reviewed on appeal from final judgment).