

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT L. BARANOFF,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JACKIE GLASS, DISTRICT JUDGE,

Respondents,

and

MICHELLE ROBISON AND MARK
ROBISON,

Real Parties in Interest.

No. 43437

FILED

OCT 05 2004

JANETTE M. 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 and denied petitioner's motion to amend.¹

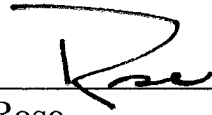
This court generally will not exercise its discretion to consider writ petitions when the petitioner has an adequate remedy available in the form of an appeal from a final judgment.² It appears that petitioner, if aggrieved, can challenge the district court's order that granted partial summary judgment and denied petitioner's motion to amend in an appeal

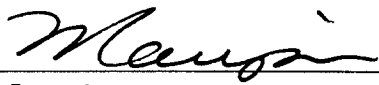
¹We note that a writ of mandamus is more appropriate than a writ of prohibition to control a district court's actions after an alleged manifest abuse of discretion. See Las Vegas Downtown Redev. v. Dist. Ct., 116 Nev. 640, 642 n.1, 5 P.3d 1059, 1060 n.1 (2000).


²See NRS 34.330; Dayside Inc. v. Dist. Ct., 119 Nev. 404, 75 P.3d 384 (2003).

from the final judgment.³ Therefore, having considered this petition and answer, we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny this petition.⁴

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Mayor & Horner, Ltd.
Amesbury & Schutt
Clark County Clerk

³See, e.g., La-Tex Partnership v. Deters, 111 Nev. 471, 893 P.2d 361 (1995); see also Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders may be challenged on appeal from final judgment).

⁴See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).