IN THE SUPREME COURT OF THE STATE OF NEVADA

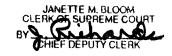
SCOTT NYGREN, Petitioner.

vs. THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CHURCHILL, AND THE HONORABLE ROBERT E. ESTES, DISTRICT JUDGE, Respondents,

and ANN NYGREN; BRUCE NYGREN; LYNN NYGREN; AND THE ESTATE OF RAY HUNTER NYGREN, Real Parties in Interest. No. 43478

FILED

MAY 1 9 2005



ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging the district court's oral decision in a partition action. Having considered this petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Writs of mandamus and prohibition are extraordinary remedies, and neither will issue if there is an adequate remedy at law.¹ NRAP 3A(b)(3) allows an appeal from a written interlocutory order in partition actions that determines the parties' rights and interest and directs partition, sale, or

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¹NRS 34.170 (mandamus); NRS 34.330 (prohibition); <u>Guerin v.</u> <u>Guerin</u>, 114 Nev. 127, 953 P.2d 716 (1998) (declining to consider, in the context of a writ petition, issues that could be appealed), <u>abrogated on</u> <u>other grounds by Pengilly v. Rancho Santa Fe Homeowners</u>, 116 Nev. 646, 5 P.3d 569 (2000).

division of property. Thus, petitioner may appeal once a written order is entered. Accordingly, we deny this petition.²

It is so ORDERED.

Vau J. Maupin J. Douglas Ŧ. Parraguirre Hon. Robert E. Estes, District Judge cc: Hale Lane Peek Dennison & Howard/Reno Samuel G. Broyles Jr. R. Clay Hendrix Mackedon, McCormick & King Law Office of Kenneth V. Ward **Churchill County Clerk** ²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (stating that the issuance of a writ of mandamus or prohibition is purely discretionary with this court). We note that on May 13, 2005, attorney Samuel G. Broyles Jr. filed a letter requesting the status of this Given our order, we conclude that no action is necessary petition. concerning the letter.

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