

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 19 2005

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


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

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


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Robert E. Estes, District Judge
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 petition. Given our order, we conclude that no action is necessary concerning the letter.