

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER MONEY; MERI JANE STERN; BEN GILLARD; ALICE A. MOLASKY-ARMAN; AND THE STATE OF NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY, DIVISION OF INSURANCE,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, THE HONORABLE STEWART L. BELL, DISTRICT JUDGE, AND THE HONORABLE VALORIE VEGA, DISTRICT JUDGE

Respondents,

and

ALL STAR BAIL BONDS, INC.; ANGELA MAYFIELD; GEORGE GARCIA; JAMES L. LYON; A BAIL BONDS, INC.; AND SEAYNOAH MAYFIELD,

Real Parties in Interest.

No. 43681

FILED

MAR 04 2005

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
AND WRIT OF MANDAMUS

This original petition for a writ of prohibition and a writ of mandamus challenges a district court order denying a motion to dismiss, filed by petitioner Christopher Money.

A writ of prohibition is only available when there is no plain speedy and adequate remedy in the ordinary course of law.¹ A writ of mandamus shall likewise only issue when there is no plain, speedy, and

¹NRS 34.330.

adequate remedy in the ordinary course of law.² This court has repeatedly held that an appeal from a final judgment is a speedy and adequate remedy at law.³

We note that, while this petition was filed on July 28, 2004, the separately filed joinders of several parties as petitioners, the joinder of two parties as real parties in interest, and disputes over the timeliness of real party in interest All Star Bail Bonds' answer, and the need to allow joined real parties in interest A. Bail Bonds and Seayonah Mayfield time to file their own answer, have delayed the processing of this petition to the point that the final answer, from A. Bail Bonds and Seaynoah Mayfield, was not filed until February 23, 2005. Petitioner Meri Jane Stern has now filed a motion to expedite the resolution of this petition based on the fact that the trial date for the underlying case has been moved up and trial is now scheduled to begin on March 9, 2005. At no time have any of the petitioners filed a motion in this court seeking to stay the district court proceedings.

If, at the conclusion of trial, petitioners are aggrieved, they are free to file an appeal from the final judgment of the district court.⁴ Petitioners thus have an adequate legal remedy available to them in the form of an appeal.⁵ Additionally, we note that this court will not exercise its discretion to consider writ petitions challenging district court orders

²NRS 34.170.

³See, e.g., Karow v. Mitchell, 110 Nev. 959, 962, 878 P.2d 978, 981 (1994); Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 647-48 n.1, 5 P.3d 569, 570 n.1 (2000).


⁴NRAP 3A(a), 3A(b)(1).

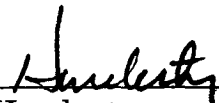
⁵Karow, 110 Nev. at 962, 878 P.2d at 981.

denying motions to dismiss except when the district court is clearly obligated to dismiss the action under a statute or rule, or where important issues of law require clarification.⁶ Accordingly, this court's intervention by way of extraordinary relief is not warranted,⁷ and we

ORDER the petition DENIED.⁸


_____, C.J.
Becker


_____, J.
Rose


_____, J.
Hardesty

⁶Smith v. District Court, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997).

⁷Id.; NRS 34.330, 34.170. We further note that the fact that a party may incur litigation expenses by going to trial is not considered irreparable harm. Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 658, 6 P.3d 982, 986-87 (2000).

⁸We deny as moot petitioner Meri Jane Stern's November 3, 2004 motion to supplement the record and her March 3, 2005 motion to expedite the petition. Additionally, we deny as moot the December 21, 2004 motion to schedule oral arguments. We grant petitioners' February 22, 2005 motion to correct the caption, and we direct the clerk of this court to modify the caption to conform with this order.

cc: Hon. Stewart L. Bell, District Judge
Hon. Valorie Vega, District Judge
Attorney General Brian Sandoval/Carson City
Attorney General Brian Sandoval/Las Vegas
Callister & Reynolds
Dominic P. Gentile, Ltd.
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