

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, ON
RELATION OF ITS NEVADA
DEPARTMENT OF
TRANSPORTATION,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALORIE J. VEGA, DISTRICT JUDGE,
Respondents,
and
TRANSCONTINENTAL INSURANCE
COMPANY, INC.,
Real Party in Interest.

No. 43890

FILED

SEP 15 2004

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This is a original petition for a writ of mandamus or prohibition challenging a district court order denying a motion for summary judgment brought by petitioner Nevada Department of Transportation ("NDOT") in a construction contract case, on the basis that there remain genuine issues of material fact in dispute.

Generally, this court will not exercise its discretion to consider writ petitions that challenge district court orders denying motions for summary judgment.¹ Having reviewed petitioner's arguments, we are not

¹Smith v. District Court, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997).

satisfied that this court's intervention by way of extraordinary relief is warranted.² Accordingly, we deny the petition.³

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Attorney General Brian Sandoval/Las Vegas
Rawlings Olson Cannon Gormley & Desruisseaux
Clark County Clerk

²See State v. Dist. Ct., 116 Nev. 953, 957, 11 P.3d 1209, 1211 (2000) (observing that petitions for writ relief are within the discretion of this court, and generally may only issue when there is no plain, speedy, and adequate remedy at law).

³See NRAP 21(B); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).