

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESERT PALACE, INC., D/B/A
CAESARS PALACE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,

and

KEVIN M. GEARY,
Real Party in Interest.

No. 44221

FILED

DEC 01 2004

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

ORDER DENYING PETITION FOR WRIT
OF MANDAMUS AND/OR PROHIBITION


This is an original petition for a writ of mandamus and/or prohibition challenging a district court order denying a motion for summary judgment.


Generally, this court will not exercise its discretion to consider writ petitions challenging district court orders that deny motions for summary judgment, unless no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss the action or enter summary judgment.¹

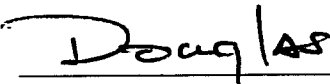
¹Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.²

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Valerie Adair, District Judge
Cohen, Johnson, Day, Jones & Royal
Clark Seegmiller
Clark County Clerk

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We note that petitioner can seek review of the district court's order denying summary judgment on direct appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders may be reviewed on appeal from final judgment).