

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARQUIS & AURBACH,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JESSIE WALSH, DISTRICT JUDGE,

Respondents,

and

SUMMERLIN HOTEL PROPERTY,  
LLC,

Real Party in Interest.

No. 45262

**FILED**

JUN 08 2005

*[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges a district court order granting a preliminary injunction. A petition for extraordinary relief is appropriate only when no adequate remedy at law exists.<sup>1</sup> An appeal is an adequate legal remedy that precludes writ relief.<sup>2</sup> Here, petitioner was a named party to the district court case below, and so may appeal from the order granting a preliminary

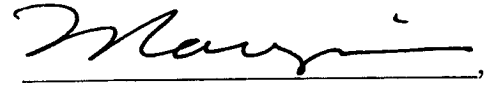
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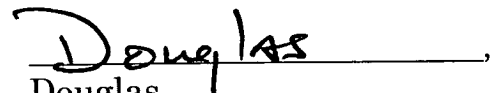
<sup>1</sup>See NRS 34.020 (certiorari); NRS 34.170 (mandamus); NRS 34.330 (prohibition).

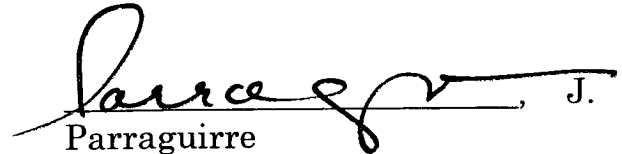
<sup>2</sup>See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

injunction.<sup>3</sup> We note that petitioner has in fact filed a notice of appeal, which is currently pending in this court as Docket No. 45289. Accordingly, we deny the petition.<sup>4</sup>

It is so ORDERED.

 J.  
Maupin

 J.  
Douglas

 J.  
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Santoro, Driggs, Walch, Kearney, Johnson & Thompson  
Chanos Escobar Chanos, P.C.  
Clark County Clerk

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<sup>3</sup>See NRAP 3A(a) (stating that an aggrieved party may appeal) and NRAP 3A(b)(2) (stating that an appeal may be taken from a preliminary injunction).

<sup>4</sup>We deny petitioner's emergency motion for stay as moot in light of this order. We note that petitioner is free to file a motion for stay in the related pending appeal, and that any dates or deadlines that create an emergency or a need for expedited treatment for any such motion should be clearly stated in the motion.