

IN THE SUPREME COURT OF THE STATE OF NEVADA

ACE CAB COMPANY AND YUN  
HWANG,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ELIZABETH GOFF GONZALEZ,  
DISTRICT JUDGE,

Respondents,

and

ROOSEVELT J. BAILEY,  
Real Party in Interest.

No. 45287

**FILED**

JUN 20 2005

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

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district court's refusal to deem unanswered requests for admission as admitted and the court's consequent denial of petitioners' motion for summary judgment based on those admissions.

The burden of demonstrating that extraordinary relief, sought here in the form of a writ of mandamus, is warranted falls on petitioners.<sup>1</sup> Having considered this petition, we conclude that petitioners have failed to demonstrate that the district court was obligated to grant summary judgment pursuant to clear authority under a statute or rule.<sup>2</sup>


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<sup>1</sup>Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004)

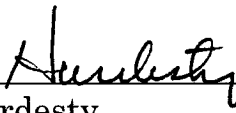
<sup>2</sup>See Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

Additionally, the availability of an appeal generally constitutes an adequate legal remedy that precludes writ relief.<sup>3</sup> If petitioners are aggrieved by the final judgment, then they may raise the issue pertaining to the requests for admission in a timely appeal from the final judgment.<sup>4</sup> Accordingly, we are not satisfied that this court's intervention by way of extraordinary relief is warranted, and we

ORDER the petition DENIED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Hutchison & Steffen, Ltd.  
Ashby & Ranalli  
Clark County Clerk

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<sup>3</sup>See Pan, 120 Nev. 224, 88 P.3d 841.

<sup>4</sup>See Consolidated Generator v. Gummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).

<sup>5</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).