

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA POWER COMPANY, A
NEVADA CORPORATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
NANCY M. SAITTA, DISTRICT JUDGE,
Respondents,

and

JUDY TOBLER, INDIVIDUALLY AND
AS HEIR AND PERSONAL
REPRESENTATIVE OF THE ESTATE
OF STUART TOBLER, DECEASED;
RONALD TOBLER, INDIVIDUALLY
AND AS HEIR OF THE ESTATE OF
STUART TOBLER, DECEASED; LOIS
JEAN THORNE; AND RONALD
MCDUFFEE, D/B/A A-AARONS TREE
TRIMMING SERVICE,
Real Parties in Interest.

No. 45536

FILED

AUG 16 2005

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

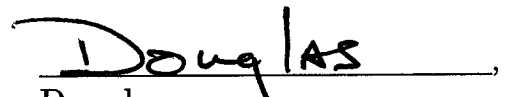
This original petition for a writ of mandamus or, in the alternative, prohibition, challenges a district court order denying a cross-motion for summary judgment. Generally, this court will not exercise its discretion to consider writ petitions challenging district court orders that deny motions for summary judgment, unless no disputed factual issues

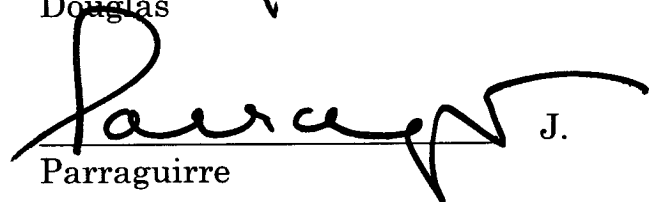
exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss the action or enter summary judgment.¹

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.


Maupin J.


Douglas J.


Parraguirre J.

cc: Hon. Nancy M. Saitta, District Judge
Cohen, Johnson, Day, Jones & Royal
Backus Carranza
Richard A. Harris
Lewis Brisbois Bisgaard & Smith, LLP
Clark County Clerk

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

²See NRS 455.240; 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 appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (noting that this court may review interlocutory orders on appeal from a final judgment).