

IN THE SUPREME COURT OF THE STATE OF NEVADA

LANDMARK HOMES AND  
DEVELOPMENT, INC.; SANTERRA,  
LLC; AND JAMES BAWDEN,  
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
ROBERT H. PERRY, DISTRICT JUDGE,  
Respondents,

and

SIERRA GATEWAY VENTURES, LLC,  
A NEVADA LIMITED LIABILITY  
COMPANY; SILVERSTAR  
ASSOCIATES, INC., A NEVADA  
CORPORATION; STRAND CAPITAL  
CORPORATION, A NEVADA  
CORPORATION; RENO  
DEVELOPMENT, LTD., A NEVADA  
CORPORATION; CONTE  
DEVELOPMENT CORPORATION, A  
NEVADA CORPORATION; AND  
PAVICH & ASSOCIATES, INC., A  
NEVADA CORPORATION,  
Real Parties in Interest.

No. 45792

**FILED**

SEP 23 2005

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


ORDER DENYING PETITION AND VACATING TEMPORARY STAY


This is an original petition for a writ of mandamus or prohibition seeking to stay the district court's judgment pending the outcome of petitioners' post-judgment motions and any appeal.


On August 19, 2005, we granted a temporary stay, pending receipt and consideration of any answer and reply. Real parties have provided this court with an order and a second amended judgment entered

by the district court on September 9, 2005, which appear to have resolved petitioners' post-judgment motions and constitute the final judgment in this case. Additionally, on September 15, 2005, petitioners filed an amended notice of appeal from the order and judgment of September 9, in Docket No. 45951.<sup>1</sup> Therefore, it appears that a stay is no longer warranted, as the right to appeal is generally an adequate legal remedy that precludes writ relief.<sup>2</sup> Accordingly, we deny the writ petition and vacate our August 19 order granting a temporary stay.<sup>3</sup>

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Becker

  
\_\_\_\_\_, J.  
Maupin

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

cc: Hon. Robert H. Perry, District Judge  
Lemons Grundy & Eisenberg  
McDonald Carano Wilson LLP/Reno  
Robison Belaustegui Sharp & Low  
Arrascada & Arrascada, Ltd.  
Washoe District Court Clerk

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<sup>1</sup>The initial notice of appeal was filed on September 6, 2005, challenging the district court's August 3, 2005 judgment and orders.

<sup>2</sup>Pan v. Dist. Ct., 120 Nev. 22, 88 P.3d 840 (2004).

<sup>3</sup>NRAP 21(b).