

IN THE SUPREME COURT OF THE STATE OF NEVADA

RHODES DESIGN & DEVELOPMENT CORPORATION, A NEVADA CORPORATION, AS MANAGING MEMBER OF RAINBOW CANYON LIMITED LIABILITY COMPANY, A LIMITED LIABILITY COMPANY AND JAMES RHODES, AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; THE HONORABLE JACKIE GLASS, DISTRICT JUDGE; AND ARBITRATORS ANDREW P. GORDON, ESQ.; ALBERT G. MARQUIS, ESQ.; AND CORBY D. ARNOLD, ESQ.,
Respondents,

and

RAINBOW DEVELOPMENT CORPORATION, A NEVADA CORPORATION,
Real Party in Interest.

No. 45884

FILED

OCT 07 2005

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rhodes*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order entered on August 26, 2005. In arbitration proceedings, petitioners made a "Motion for Construction of Legal Effect of Articles of Organization." On June 24, 2005, a majority of the arbitrators entered an order ruling on the motion. That order set forth the standard

of liability that will govern the claims asserted by the real party in interest in the arbitration proceedings. Petitioners then filed a petition for writ of mandamus in the district court, requesting the district court to vacate the arbitrators' order. The district court denied the petition. Petitioners now request this court to vacate the district court's order and to direct the district court to enforce what petitioners maintain are applicable provisions of the Nevada Revised Statutes.

Generally, a writ may be issued only where "there is not a plain, speedy and adequate remedy in the ordinary course of law."¹ Issuance of a writ, moreover, is entirely discretionary within this court,² which has generally declined to entertain petitions for review of a district court decision where, as here, that decision is appealable.³

Under NRAP 3A(b)(1), an appeal may be taken from a final judgment in an action or proceeding commenced in the court in which the judgment is rendered. An order of the district court denying a writ of mandamus is a final judgment within the meaning of NRAP 3A(b)(1).⁴

¹NRS 34.170; NRS 34.330; see also Pan v. District Court, 120 Nev. 222, 88 P.3d 840 (recognizing the right to appeal is generally an adequate legal remedy precluding writ relief).

²Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

³Ashokan v. State, Dep't of Ins., 109 Nev. 662, 665, 856 P.2d 244, 246 (1993).

⁴Id.; NRS 2.090(2).

Thus, petitioners have an adequate legal remedy in the form of an appeal from the district court's order, and writ relief is therefore not appropriate.

Accordingly, we

ORDER the petition DENIED.⁵

Becker, C.J.
Becker

Douglas, J.
Douglas

Rose, J.
Rose

cc: Honorable Jackie Glass, District Judge
Lionel Sawyer & Collins/Las Vegas
Santoro, Driggs, Walch, Kearney, Johnson & Thompson
Harrison Kemp & Jones, LLP
Clark County Clerk

⁵In light of this order, we deny as moot petitioners' motion for a stay and petitioners' application for permission to file a reply brief in support of that motion.