

IN THE SUPREME COURT OF THE STATE OF NEVADA

PROGRESSIVE CASUALTY
INSURANCE COMPANY,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND THE
HONORABLE MICHAEL R. GRIFFIN,
DISTRICT JUDGE,

Respondents,

and

JEFF HILLS,
Real Party in Interest.

No. 46068

FILED

OCT 21 2005

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

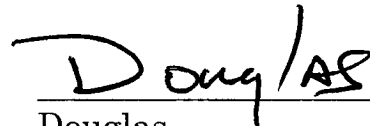
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

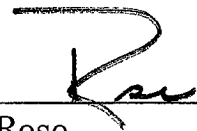
This original petition for a writ of mandamus challenges a district court order that denied petitioner's motion for summary judgment and granted real party in interest's motion for summary judgment. After considering the petition, we are not satisfied this court's intervention by way of extraordinary relief is warranted.¹

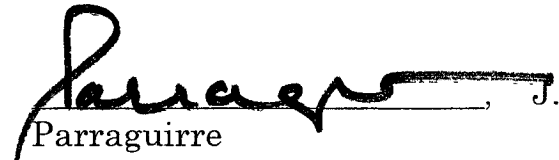
¹See Smith v. District Court, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997) (maintaining that this court, with few exceptions, will not exercise its discretion to consider writ petitions that challenge district court orders denying motions for summary judgment).

Petitioner seeks to compel summary judgment only on claims related to real party in interest's standing to sue for bad faith. But, writ relief is not available to compel partial summary judgment.² Accordingly, we deny the petition.³

It is so ORDERED.⁴


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

cc: Hon. Michael R. Griffin, District Judge
Prince & Keating, LLP
Friedman, Rubin & White
James E. Wilson
Carson City Clerk

²See Moore v. District Court, 96 Nev. 415, 610 P.2d 188 (1980) (refusing to consider a writ petition that sought to compel only partial summary judgment); see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (stating that the issuance of a writ of mandamus is purely discretionary with this court).

³See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

⁴Petitioner's request for a stay is denied as moot.