

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH L. SMITH,  
Appellant,

vs.

BRENDA L. THOMPSON, A/K/A BRENDA  
DAY,  
Respondent.

No. 46036

JOSEPH L. SMITH,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK, AND  
THE HONORABLE LISA BROWN,  
DISTRICT JUDGE, FAMILY COURT  
DIVISION,

Respondents,

and

BRENDA L. THOMPSON,  
Real Party in Interest.

No. 46118

**FILED**

**SEP 20 2006**

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

ORDER ALLOWING APPEAL TO PROCEED AND DENYING  
PETITION FOR WRIT OF MANDAMUS

Docket No. 46036 is an appeal from a district court order that dismissed an action to modify child support. Eighth Judicial District Court, Family Court Division, Clark County; Lisa Brown, Judge. Docket No. 46118 is an original petition for a writ of mandamus challenging the same district court order.

Docket No. 46036

When our initial review of the documentation before this court indicated that the district court's order might not be appealable, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Having reviewed appellant's response, we conclude

that the district court's order is appealable as a special order made after a final judgment.<sup>1</sup> The order essentially dismissed appellant's motion to modify a final California child support order. Because the motion to modify was based upon changed factual circumstances occurring after the California support order was entered, the order dismissing the motion to modify was appealable under our holding in Burton v. Burton.<sup>2</sup> Accordingly, as we have jurisdiction, we allow the appeal in Docket No. 46036 to proceed.

Docket No. 46118

A writ of mandamus will not issue if there is a plain, speedy, and adequate remedy at law.<sup>3</sup> Generally, an appeal is considered an adequate legal remedy that precludes writ relief.<sup>4</sup> Accordingly, we deny the writ petition in Docket No. 46118.<sup>5</sup>

It is so ORDERED.

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

<sup>1</sup>See NRAP 3A(b)(2); Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002).

<sup>2</sup>99 Nev. 698, 669 P.2d 703 (1983).

<sup>3</sup>NRS 34.170.

<sup>4</sup>Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

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

cc: Hon. Lisa Brown, District Judge, Family Court Division  
Willick Law Group  
Brenda L. Thompson  
Clark County Clerk