

IN THE SUPREME COURT OF THE STATE OF NEVADA

PUEBLO AT SANTA FE
HOMEOWNERS' ASSOCIATION;
CREAR MITCHELL, INDIVIDUALLY;
ROBERT INNIS, INDIVIDUALLY;
ROGER J. KRAUSE, INDIVIDUALLY;
FOR THEMSELVES AND ALL OTHERS
SIMILARLY SITUATED,
Petitioners,

vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHAEL CHERRY, DISTRICT
JUDGE,
Respondents,
and
LAW OFFICES OF RAWLINGS,
OLSON, CANNON, GORMLEY &
DESRUISSEAU,
Real Party in Interest.

No. 46487

FILED

JAN 24 2006

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


ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

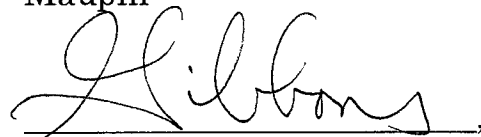
This original petition for a writ of mandamus or prohibition challenges a district court order that denied petitioners' motion for distribution of interpled funds and granted the real party in interest's counter-motion for satisfaction of its attorney's lien. A petition for extraordinary relief is appropriate only when no adequate remedy at law

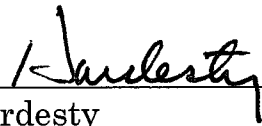
exists.¹ An appeal is an adequate legal remedy that precludes writ relief, and writ relief is unavailable to correct an untimely notice of appeal.²

Here, petitioners, as parties to the underlying district court proceeding, had a right to appeal the district court's September 14, 2005 order within thirty days from the date notice of its entry was served, which was October 18, 2005.³ Consequently, petitioners had an adequate legal remedy that bars writ relief.⁴ We therefore deny this petition.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Michael A. Cherry, District Judge
Quon Bruce Christensen Law Firm
Rawlings Olson Cannon Gormley & Desruisseaux
Clark County Clerk

¹See NRS 34.170 (mandamus); NRS 34.330 (prohibition).

²See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

³See NRAP 4(a)(1); EDCR 1.14(c); Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002); Albert D. Massi, Ltd. v. Bellmyre, 111 Nev. 1520, 908 P.2d 705 (1995); Van Cleave v. Osborne, Jenkins & Gamboa, 108 Nev. 885, 840 P.2d 589 (1992).

⁴See Pan, 120 Nev. 222, 88 P.3d 840.