

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAYROLL SOLUTIONS, INC.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
NANCY M. SAITTA, DISTRICT JUDGE,

Respondents,

and

KEN MORROW,
Real Party in Interest.

No. 47640

FILED

AUG 14 2006

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

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges a district court order that denied petitioner's NRCP 60(b)(4) motion to vacate a foreign judgment or, alternatively, to stay enforcement of the foreign judgment.

Petitioner requests that this court issue a writ of prohibition or a writ of mandamus essentially compelling the district court to declare real party in interest's foreign judgment against petitioner void for real party in interest's purported failure to name a necessary party to the underlying dispute.¹ But writs of mandamus or prohibition are available

¹We note that petitioner does not set forth any argument or request any relief with regard to the district court's denial of petitioner's alternative request to stay enforcement of the foreign judgment.

only where no plain, speedy, and adequate legal remedy exists.² And this court has repeatedly held that an appeal is an adequate and speedy legal remedy that precludes the availability of writ relief.³ As an order denying a NRCP 60(b) motion is appealable,⁴ we conclude that petitioner has a plain, speedy, and adequate legal remedy in the form of an appeal and that this court's intervention by way of extraordinary relief is thus not appropriate.

Further, we note that petitioner seems to argue that this court's immediate intervention by way of extraordinary relief is critical because this court somehow lacks so-called appellate personal jurisdiction over real party in interest, a non-resident of Nevada. This argument is unpersuasive, if not unclear. Real party in interest consented to—invoked, to be sure—the district court's jurisdiction when he instituted an action to enforce the foreign judgment; he would thus be estopped from challenging personal jurisdiction in an appeal from any subsequent

²NRS 34.330, NRS 34.170.

³See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Indeed, petitioner has appealed from the district court's order in Docket No. 47597.

⁴See Holiday Inn v. Barnett, 103 Nev. 60, 732 P.2d 1376 (1987) (allowing an appeal from an order denying a motion to set aside a judgment under NRCP 60(b)); see also NRAP 3A(b)(2) (allowing an appeal from “any special order made after final judgment”).

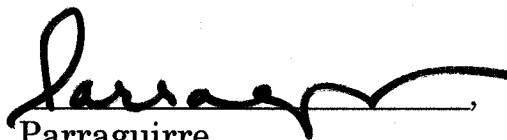
district court order.⁵ And, in general, this court has appellate jurisdiction over the parties named in the related district court proceedings.⁶

Accordingly, we deny the petition.⁷

It is so ORDERED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

cc: Hon. Nancy M. Saitta, District Judge
Andrew L. Rempfer
Peter Dubowsky
Clark County Clerk

⁵See Grant v. Grant, 38 Nev. 185, 188, 147 P. 451, 452 (1915) (noting that a party is estopped from challenging the jurisdiction “of that court whose power and processes he invoked to secure the end which he sought”).

⁶Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446-447, 874 P.2d 729, 734 (1994).

⁷See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).