

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESTERN TECHNOLOGIES, 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
CEDCO, INC.,
Real Party in Interest.

No. 47688

FILED

JUL 21 2006

ANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges the district court's purported denial of petitioner's motion to continue trial or sever third party claims in the underlying construction defect case and its alleged refusal to rule on petitioner's motion to dismiss.


Writs of mandamus and prohibition are available only where no plain, speedy, and adequate remedy exists in the ordinary course of the law.¹ This court has repeatedly held that an appeal is a speedy and adequate remedy that precludes the availability of writ relief.² According to petitioner, trial of the underlying case is scheduled to begin on August 10, 2006. Once trial is completed, petitioner, if aggrieved, may appeal from the final judgment in that case. Because petitioner has a plain,


¹NRS 34.170; NRS 34.330.


²Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

speedy, and adequate legal remedy available in the form of an appeal from the final judgment, we conclude that this court's intervention by way of extraordinary relief is not warranted. Accordingly, we deny the petition.³

It is so ORDERED.⁴


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Douglas

cc: Hon. Nancy M. Saitta, District Judge
Beckley Singleton, Chtd./Las Vegas
Helm & Associates
Clark County Clerk

³See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁴In light of this order we deny as moot petitioner's request for a stay. Additionally, as we deny the petition, petitioner need not transmit a copy of any order related to the July 6, 2006 denial of its motion to continue trial or sever third party claims.